

IBQTGRA1

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

New York, N.Y.

4 v.

16 CR 468 (GHW)

5 JAMES GRANT and JEREMY  
6 REICHBERG,

7 Defendants.

-----x

8 November 26, 2018  
9 9:05 a.m.

10 Before:

11 HON. GREGORY H. WOODS,

12 District Judge

13  
14 APPEARANCES

15 GEOFFREY S. BERMAN

United States Attorney for the  
Southern District of New York

16 BY: JESSICA R. LONERGAN

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Attorneys for Defendant Grant

22 BY: JOHN MERINGOLO

23 ANJELICA CAPPELLINO

IBQTGRA1

1 (Jury not present)

2 THE COURT: Welcome back, counsel, from the recess.

3 Is Mr. Grant here?

4 MR. MERINGOLO: Yes, Judge.

5 THE COURT: I'm sorry. So let's start.

6 I understand that the jury is not all ready to go. I  
7 assume that the witness is ready to proceed.

8 Is there any issue that any party would like to raise  
9 with the Court before the jury comes in?

10 MR. BELL: One, Judge.

11 THE COURT: Please.

12 MR. BELL: Over the course of the Thanksgiving break I  
13 got the opportunity to read some of the coverage that we have  
14 been getting in the press. I came across an article in the  
15 Staten Island Advance, which I gather has taken an interest in  
16 this case because Mr. Grant hails from Staten Island. The  
17 article's lead noted that each and every day of the trial  
18 Mr. Grant and Mr. Reichberg, first thing in the morning, in  
19 addition to sitting next to each other, have placed, on  
20 Mr. Grant's part, Rosary beads, and on Mr. Reichberg's part, a  
21 holy book, on their defense table every day. In point of fact,  
22 we can observe that now.

23 It occurs to me that if it's visible to the Staten  
24 Island Advance, it's likely visible to the jury as well, which  
25 is problematic in a number of respects. One of those is that

IBQTGRA1

1 in addition to whatever general inherent concerns about  
2 prejudice or messaging there may be that come from hey, jury,  
3 look at my religious symbols, the image of them side by side, I  
4 think whether it's intended to burnish the friendship narrative  
5 or not, it is something that would certainly seem to have that  
6 effect.

7 I'm not as much of an authority on the placard  
8 situation that we had to work out last week, although  
9 Wikipedia, interestingly, has since taught me the rabbi  
10 depicted on this placard is someone whose image is supposed to  
11 be helpful in warding away mice and rats, which frankly makes  
12 me worried about the imagery more, but that's something that we  
13 have dealt with. With respect to Rosary beads, however, I do  
14 have some firsthand knowledge, having been Catholic all my  
15 life, albeit not the very best one, and I know that they don't  
16 have to be publicly displayed in order to work.

17 I would ask that the Court just request that these  
18 icons, which of course there's no problem with the defendants  
19 possess, but they not be displayed in the fashion that they  
20 have been displayed. It's really improper. It raises a number  
21 of concerns I think even above and beyond the general concerns  
22 that they do just because of the imagery of having these  
23 symbols side by side throughout the trial.

24 THE COURT: Thank you. Before we take up that issue,  
25 is there anything else that the parties would like to raise

IBQTGRA1

1 with the Court, Ms. Necheles?

2 MS. NECHELES: Your Honor, we sent some letters. I  
3 don't know if you reviewed them. I don't know whether they  
4 will be issues for today, so don't know that they have to be  
5 discussed today. I think we have filed something very late  
6 this morning or early this morning with respect -- under seal,  
7 sent it to your Honor with respect to my anticipated  
8 cross-examination.

9 THE COURT: Thank you. I have not read that. I  
10 received it but I haven't read it yet. As you said, it came in  
11 very early this morning/late last night.

12 Do we know if your cross-examination will begin today?

13 MS. NECHELES: I don't know.

14 MR. BELL: I'll note, your Honor, that this is  
15 apparently an ex parte submission.

16 THE COURT: Yes.

17 MR. BELL: We haven't seen it yet.

18 With respect to timing of cross-examination, there is  
19 a world in which I could finish direct today, but I don't think  
20 that world is a very likely one. Given the rate and nature of  
21 the objections last Tuesday, I think we're probably going to go  
22 into tomorrow a little bit.

23 THE COURT: Fine, thank you.

24 MS. NECHELES: And your Honor, I note that most of the  
25 3500 material is handwritten, I think apparently by Mr. Bell,

IBQTGRA1

1 the vast majority of it, so it's difficult to read, very poor  
2 handwriting, sorry -- and that's not meant as a slight, it's  
3 just difficult to read. But I did sort of struggle through  
4 some of the new stuff last night and saw it's all over the 3500  
5 material, the discussion that Mr. Bell says he inadvertently  
6 elicited, but he talked about the security. So I don't know  
7 how it could have been a surprise to Mr. Bell since it's in the  
8 notes repeatedly about the supposed money going back and forth.

9 I assume that Mr. Bell is not planning to go back  
10 there. It does appear to be 404(b), and it has not been  
11 something that he raised with the Court previously.

12 THE COURT: Thank you. Counsel for the United States,  
13 counsel is requesting more information about the security  
14 business that Mr. Rechnitz commented on inadvertently, I think,  
15 during his testimony.

16 MR. BELL: I will note, your Honor, I think the very  
17 first place in which some mention of the business appears  
18 within the 3500 is actually within the typewritten 302 from  
19 when Mr. Rechnitz began to cooperate with the government back  
20 in I believe either May or June of 2016.

21 I noted my experience with Catholicism.  
22 Unfortunately, Catholic schools haven't done much for my  
23 penmanship, I apologize there, but it is easy to read in the  
24 302. Your Honor asked us to specifically confer with the  
25 defense about this. One of the reasons I haven't is because I

IBQTGRA1

1     tried to find specific formulations of what is in the 302 that  
2     actually align more closely with what Mr. Rechnitz testified to  
3     the other day. But yes, the subject is mentioned. I don't  
4     think it would be much of a real surprise to anyone who  
5     reviewed the 3500. It's not my intention to go back there, I  
6     will say that, your Honor --

7             THE COURT: Thank you, that's helpful.

8             MR. BELL: -- except to the extent that very -- the  
9     existence of the security company does factor into a couple of  
10    things that aren't 404(b) that are there for background which I  
11    think the defense is well on notice of. For example, there's a  
12    point of in which Detective Melici, one of the circle of cops,  
13    is used by Messrs. Reichberg and Rechnitz to show up at the  
14    security company essentially to look like a more impressive  
15    version of a security than they have so that they could  
16    essentially continue the contract and justify payment. I don't  
17    see that as a prior bad act, I think that's sort of  
18    demonstrative of the relationship between Melici, Reichberg and  
19    Rechnitz over the course of conspiracy.

20            But with respect to the money relating to the security  
21    company, we don't expect to go back there, and I think that's  
22    probably the principal issue here. It certainly was as it came  
23    up in the context of Ms. Necheles' objection last Tuesday.

24            THE COURT: Thank you. Is that helpful, counsel?

25            MS. NECHELES: Yes, your Honor. I don't know exactly

IBQTGRA1

1 what that meant in terms of what he will elicit about  
2 Mr. Melici that they hired him to work as a security guard for  
3 one day or it was a fraudulent scheme, I object to it being a  
4 fraudulent scheme. I obviously don't have an objection to him  
5 saying they hired him to work for one day as a security guard.

6 Your Honor, do you want me to address the other issue?

7 THE COURT: I would like to first ask if Mr. Grant's  
8 counsel has anything they would like to raise. Counsel?

9 MR. MERINGOLO: Judge, the only thing, Judge, we were  
10 supposed to look through the number of disks they gave us with  
11 respect to the licensing division. Mr. Grant was unavailable  
12 because of his family situation, and I was very sick. I did  
13 not look at it. So I will try to look at it. I will peruse  
14 through it.

15 THE COURT: Thank you. And I hope you're feeling  
16 well.

17 MR. MERINGOLO: I'm feeling good.

18 THE COURT: Thank you. I'm glad to know that you're  
19 feeling well now. And please do let me know during that other,  
20 I will call it sequelae of that issue, that I should address.

21 Yes, counsel, I will be happy to take up the issue. I  
22 would like to be in a position to start with the jury as soon  
23 as they're ready to step out, and they're almost all here. So  
24 let's begin a conversation and I ask that the parties be  
25 prepared to recommence with Mr. Rechnitz's testimony once the

IBQTGRA1

1 jury is available.

2 Please proceed, counsel.

3 MS. NECHELES: Your Honor, I don't think it's  
4 appropriate for the government to be commenting on the  
5 religious briefs or religious observance of these gentleman.  
6 The government last week made some sort of allegation that  
7 things were being held up as some sort of shield or something.  
8 Now the government says they went on the internet and they see  
9 this rabbi has to do with rats. It's an offensive and  
10 obnoxious comment. I don't understand why the prosecutor would  
11 be making these kind of comments here about someone else's  
12 religious artifacts.

13 They don't like that they're friends and they are  
14 different from each other. These people are under a lot of  
15 stress and have chosen to do something that happens a lot. As  
16 I said before, I have seen people do this a lot. It is  
17 important to them that religious artifacts -- to the Hasidic  
18 community that religious artifacts be held there, be close. I  
19 don't really understand this argument.

20 It's no surprise to the jury that Mr. Reichberg is  
21 Hasidic. So I don't know what the problem is with him having a  
22 rabbi -- a picture of a rabbi or a religious book sitting in  
23 front of him.

24 THE COURT: Thank you. I should say I think that the  
25 image issue has been taken off the table. We addressed that



IBQTGRA1

1 previously, and I don't understand that the government is  
2 raising that as a concern.

3 I understand that their concern at this point is  
4 twofold: First, the presence of some religious book at the  
5 defense table for Mr. Reichberg's side, and then the presence  
6 of a Rosary at Mr. Grant's table. I had not observed it during  
7 the course of the trial until it was just brought to my  
8 attention by the government, who, as I understand it,  
9 represented it was brought out in the press.

10 So I think that the issue that I ask that you address,  
11 if you can, is what I understand to be the government's request  
12 that I direct that the defense, to the extent religiously  
13 feasible, not publicly display those religious artifacts but  
14 instead hold them close.

15 MS. NECHELES: Your Honor, I think that your Honor is  
16 really stepping into Constitutionally protected areas. I don't  
17 know why. Your Honor didn't notice it, the government didn't  
18 notice it. It hasn't been something flashing. I don't know  
19 the government is going and reading the Staten Island press. I  
20 don't know, I never read it, but that's what they're apparently  
21 spending their time doing. I don't know why the reporter wrote  
22 about that.

23 I just don't think it's been a big deal at this trial,  
24 and it's clearly at the core of a Constitutionally protected  
25 area. They're not doing anything to interfere. The government

IBQTGRA1

1 doesn't like it. It's not their place really to be commenting  
2 on this really.

3 It's like Mr. Reichberg wears a yarmulke. That's also  
4 him displaying a religious observance. Everything about him is  
5 him displaying a religious observance. I don't really  
6 understand this objection. Mr. Grant has a Rosary beads. He's  
7 in his worst time of his life. He thinks that's important for  
8 him. I don't know why the government would try to interfere  
9 with that.

10 THE COURT: Thank you. Counsel.

11 MR. MERINGOLO: Two things, your Honor. My experience  
12 with these Rosary beads on the table, I defended an alleged mob  
13 boss in this courtroom about nine months ago. He sat in the  
14 first row, first seat, and displayed the Rosary beads where the  
15 jury constantly looked at him and there was no issue.

16 Secondly, Mr. Grant, as the government should well  
17 know, he's a very, very observant Catholic. He has been to  
18 church probably -- and we have priests on our witness list,  
19 monsignors. He's been to church virtually every Sunday for  
20 close to 19 years, and they know this, how religious he has,  
21 especially if they have done a proper interrogation. This is  
22 something that's been on the table since jury selection, Judge.  
23 I don't believe that we should -- I don't even think the jury  
24 can see it from where they're sitting.

25 THE COURT: Thank you. Just for the record,

IBQTGRA1

1 Mr. Grant's Rosary beads are a white strand about a foot and a  
2 half long, the second table furthest from the jury box, and  
3 they're laid out perpendicular to the table. I can see them,  
4 but as I said earlier, I haven't seen them previously.

5 Counsel for the United States, I'm not going to direct  
6 the defendants on the basis of this record to move their  
7 religious tokens. I, as I said earlier, haven't seen them  
8 until now. I will take a look later today and see if I can  
9 actually observe them from the jury box. I don't know that  
10 they are the visible. There's a computer screen and a number  
11 of defendants' documents between the jury box and where  
12 Mr. Grant's Rosary beads are, so I don't know that they're  
13 observable.

14 Counsel, can you observe them from the jury box while  
15 seated?

16 MR. BELL: I have been in there, your Honor, and  
17 looked at that area to get a sense myself, and the answer is  
18 yes. I haven't sat in every single seat.

19 MR. MERINGOLO: Judge, he just said he read it. He  
20 didn't sit in that jury box this morning, and he just said he  
21 read it in the Staten Island Advance and came in to talk to  
22 you. So if he had seen it and saw it in the jury box prior,  
23 then he should have said something, not what he read in the  
24 Staten Island Advance. We can't have all these  
25 misrepresentations to the Court.

IBQTGRA1

1 MR. BELL: That's great. Judge, all I'm suggesting is  
2 this: In addition to the concerns that are attendant to these  
3 issues, there's the added layer of symbolism that I mentioned  
4 before that actually goes directly to the defense.

5 The defense suggests that we have an issue with the  
6 defendant's friendship. That's never been true. We do have an  
7 issue with the messaging to the jury, and it is notable that  
8 Ms. Necheles and Mr. Meringolo in both their responses tiptoed  
9 around the singular issue that the government is raising right  
10 now, which is the display; not the use, not holding them close,  
11 not any religious observe advantages.

12 To the extent that Mr. Grant and Mr. Reichberg want to  
13 participate in any religious observance at all in this trying  
14 time outside the presence of the jury, we welcome and encourage  
15 it. It's beautiful. The problem is the display. And if the  
16 press has been able to see that for some time, it shouldn't be  
17 terribly surprising that the jury has probably been able -- it  
18 shouldn't be terribly surprising the possibility that the jury  
19 has been able to see it, too. And somewhat more cynically, I'm  
20 afraid, I think that may be actually part of the purpose of the  
21 precise placing.

22 Look, I ask your Honor to just sort of keep an eye on  
23 this, and if your Honor wants to take a look from the jury box  
24 himself later on, then that's fine as well.

25 I raised the issue just because now because our backs

IBQTGRA1

1 are to counsel table because defense counsel has chosen to take  
2 a single table where Grant and Reichberg can be next to each  
3 other, as opposed to each of these tables, from the beginning  
4 of the trial, and our backs are to them and are two things  
5 away. So obviously we have a tougher time seeing this than the  
6 jury does. And your Honor, of course, is at a different  
7 vantage point than the jury as well.

8 That's all we're noting, your Honor. I think that  
9 it's of apiece with the concern that we raised earlier. Hats  
10 off, on some level it's a savvy move, but I don't think it's a  
11 permissible one.

12 MS. NECHELES: Your Honor, I'm kind of stunned. The  
13 fact that we sit together at the same table, none of this is  
14 some big scheme by the defense. We have about been working  
15 together. We sat at every court appearance exactly like we're  
16 sitting now when there was no jury, exactly like we're sitting  
17 now is how we sat.

18 I don't understand what the government is working  
19 their way up about. I wish I were as savvy as Mr. Bell seems  
20 to think I am, but we're just trying to work together, try to  
21 get this trial done and do our job. And I don't understand  
22 what the -- you see, your Honor, that we, Mr. Meringolo and I,  
23 are trying to coordinate, we're trying to work together, trying  
24 to move this trial along. We have one item that shows the  
25 exhibits. I sit next to my paralegal because he's the one who

IBQTGRA1

1 knows things, then of course the next person who would sit here  
2 is the client. I just don't even understand why we're spending  
3 this time on this, honestly.

4 THE COURT: Thank you.

5 Mr. Meringolo, has Mr. Grant had the beads in the same  
6 place that they are now in the course of the trial? As I say,  
7 I hadn't noticed them until today. Were they on the other side  
8 of the monitor, a bit further from the jury?

9 MR. MERINGOLO: Since day one, they are right there.

10 THE COURT: Thank you. I'm not going to ask that they  
11 be removed at this point. To the extent that this becomes a  
12 further issue that the government wants to brief the issue to  
13 me, feel free to do so. I'm hesitant to do so here. This is a  
14 stressful situation for both defendants. I believe that some  
15 religious succor is appropriate. So to the extent that this  
16 becomes an issue in the future, please don't hesitate to bring  
17 it to my attention, counsel, but as I said, I have not observed  
18 it during the course of trial and I'm not aware that the jury  
19 has either.

20 I believe the jury is here, so we're prepared to  
21 proceed.

22 Counsel, please bring in Mr. Rechnitz, and  
23 Mr. Daniels, please bring in the jury.

24 (Jury present)

25 THE COURT: Welcome back, ladies and gentlemen of the

IBQTGRA1

Rechnitz - Direct

1 jury. I hope you had a wonderful Thanksgiving holiday. I'm  
2 happy to see you back here today.

3 Counsel for the United States, could you please bring  
4 in Mr. Rechnitz.

5 MR. BELL: He's on his way in, your Honor.

6 THE COURT: Good. Thank you.

7 (Pause)

8 THE COURT: Before we proceed, Mr. Rechnitz, let me  
9 remind you that you remain under oath.

10 Thank you. You may proceed, counsel.

11 MR. BELL: Thank you, very much, your Honor.

12 JONA RECHNITZ, (Continued)

13 having been previously affirmed, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. BELL:

16 Q. Good morning, Mr. Rechnitz.

17 A. Good morning.

18 MR. BELL: Mr. Hamilton, I ask you to put Government  
19 Exhibit 307 back up on the screen just for a moment. And I ask  
20 you to play the first few seconds until I frantically say stop,  
21 stop, stop.

22 Go ahead, sir.

23 (Video recording played)

24 MR. BELL: Stop.

25 Few more seconds.

IBQTGRA1

Rechnitz - Direct

1 (Video recording played)

2 MR. BELL: Stop, stop, stop.

3 Q. Just to be clear, Mr. Rechnitz, who is that to your  
4 apparent left here?

5 A. Jeremy Reichberg.

6 THE COURT: Just for the record, counsel, what time  
7 we're stopping?

8 MR. BELL: I stopped initially about -- I had  
9 Mr. Hamilton stop initially about five seconds in, then again  
10 seven seconds in to GX 307.

11 THE COURT: Thank you.

12 MR. BELL: And can we play, Mr. Hamilton, the last  
13 minute or so of this exhibit, so I guess if you can take us to  
14 the 143 mark, for the record.

15 Actually let's go back a bit further to the 115 mark,  
16 perhaps. If you could play from there, sir.

17 (Video recording played)

18 MR. BELL: Let's pause for a moment.

19 BY MR. BELL:

20 Q. Mr. Rechnitz, are you familiar with that individual who  
21 said: What's up, what's up, what's up?

22 A. Yes, I am.

23 Q. Who is that?

24 A. Mark Shelton.

25 Q. Who is Mark Shelton?



IBQTGRA1

Rechnitz - Direct

1 A. He was an officer with the NYPD who works for the chief of  
2 department.

3 Q. And what dealings did you have with Mr. Shelton?

4 A. He would often escort us into One Police Plaza through  
5 Mr. Bank's private elevator, and he was one of the drivers of  
6 the chief of department.

7 MR. BELL: Can you keep going, Mr. Hamilton.

8 (Video recording played)

9 BY MR. BELL:

10 Q. Now you mentioned in the tape that you are going to the  
11 ball dropping. Did you in fact go to the ball drop with police  
12 officials that year?

13 A. Yes.

14 Q. How many years did you go to the ball drop with police  
15 officials, do you recall?

16 A. Maybe one or two years.

17 Q. Now when you did go to the ball drop, did you watch the  
18 ball actually drop?

19 A. Yes.

20 Q. From where?

21 A. From the front and center near the stage.

22 Q. Now what understanding do you have, if any, of how the  
23 thousands of folks around you -- what they had to do in order  
24 to get to that position?

25 A. They had to wait outside.

IBQTGRA1

Rechnitz - Direct

1 MS. NECHELES: Objection, your Honor.

2 MR. MERINGOLO: Objection.

3 THE COURT: Thank you. Counsel, can you rephrase?

4 MR. BELL: Sure.

5 Q. Well, when you watched the ball drop, were you alone or  
6 were there other people there?

7 A. There were many thousands of people who had been there  
8 waiting in the cold probably since the morning.

9 Q. What did you have to do in order to get that particular  
10 vantage point?

11 A. We just had to roll in a few minutes before the ball  
12 dropping with police officers.

13 MR. BELL: And so I'm going to offer -- well, can we  
14 put just on the witness's screen, Mr. Hamilton, and perhaps we  
15 can split screen these, Government Exhibits 629 and 606.

16 Q. So are you familiar with these images, sir?

17 A. Yes, I am.

18 Q. And how are you familiar with them?

19 A. These are photos that I believe were taken on my phone.

20 Q. And where were they taken and of what event?

21 A. At Times Square by the ball dropping.

22 MR. BELL: The government offers 629 and 606.

23 MS. NECHELES: No objection, your Honor.

24 MR. MERINGOLO: Your Honor, could we find out when  
25 this was?

IBQTGRA1

Rechnitz - Direct

1 THE COURT: Thank you. Any objection to the  
2 introduction, then we'll see what the other additional  
3 questions come up?

4 MR. MERINGOLO: No objection.

5 THE COURT: Thank you. I'm accepting 629 and 606 into  
6 evidence.

7 (Government's Exhibits 606 and 629 received in  
8 evidence)

9 THE COURT: Counsel, you may proceed.

10 MR. BELL: Thank you.

11 Mr. Hamilton, please publish to the jury just 629 for  
12 the moment.

13 BY MR. BELL:

14 Q. So what are we looking at here, Mr. Rechnitz?

15 A. That's a photo in Times Square of me and Jeremy by the ball  
16 dropping. In the background at the top of the screen is the  
17 ball lit up.

18 MR. BELL: And can we publish 606 now, Mr. Hamilton.

19 Q. And the lighting may not be the very best, but can you tell  
20 who is depicted here?

21 A. Yes, from left to right it's me, then Chief Michael  
22 Harrington, Chief David Colon and Jeremy.

23 Q. And do you happen to recall offhand which year this was,  
24 that is to say, whether it's the same year as the video we  
25 watched of you driving in or another year?

IBQTGRA1

Rechnitz - Direct

1 A. I'm not sure.

2 MR. BELL: Can we take that down, please.

3 Mr. Hamilton, can you please publish 552A, which is  
4 already in evidence.

5 Q. So just before, Mr. Rechnitz, the Thanksgiving break, do  
6 you recall being asked about this day when you and  
7 Mr. Reichberg drove around Staten Island in Christmas hats to  
8 deliver gifts to certain people, including Mr. Grant?

9 A. Yes, sir.

10 Q. And so what I would like to do --

11 MR. BELL: You can take that down, Mr. Hamilton.

12 Q. -- is direct your attention to Government Exhibit W0923.  
13 It is a recorded call already in evidence.

14 MR. BELL: And I will ask you, Mr. Hamilton, to put up  
15 the coordinating transcript on the screen for the benefit of  
16 the jury. You don't need to use your binders, unless you want  
17 to.

18 And just to refresh, this is a call from January 16,  
19 2015, that is to say, over a year later, and could we play the  
20 first two minutes or so, Mr. Hamilton.

21 (Audio recording played)

22 MR. BELL: Could you pause for a moment.

23 Q. By this time, January of 2015, had you already taken  
24 Mr. Grant someplace for the Superbowl?

25 A. Yes.

IBQTGRA1

Rechnitz - Direct

1 Q. Where was that?

2 A. Las Vegas.

3 Q. How had you taken him there?

4 A. On a private jet.

5 Q. In 2015, did you have Superbowl plans as well?

6 A. Yes.

7 Q. What did you do for the Superbowl in 2015?

8 A. I went to watch the Superbowl with my friends in Vegas, but  
9 I actually remember missing the game, I think it was that year,  
10 because a friend of mine's child had passed away.

11 Q. Did you make plans that year with Mr. Reichberg or  
12 Mr. Grant?

13 A. No.

14 Q. Why not?

15 A. Because the year before was a disaster, as far as I was  
16 concerned, and I wanted to be on my own with my friends from  
17 Los Angeles.

18 Q. At this point, in January of 2015, was Mr. Banks still the  
19 chief of department?

20 A. I think so.

21 MR. BELL: So why don't we continue with the  
22 recording, Mr. Hamilton.

23 (Audio recording played)

24 MR. BELL: Can you pause there, Mr. Hamilton.

25 Q. Now Mr. Rechnitz, I asked you a number of questions about

IBQTGRA1

Rechnitz - Direct

1 your visit to Staten Island for Christmas of 2013. For  
2 Christmas of 2014, a few weeks before this call, did you make a  
3 similar trip to Staten Island?

4 A. No.

5 Q. Why not?

6 A. Because we were already dealing with higher level officers  
7 than Jimmy Grant at that point and didn't feel we needed to  
8 provide him with any gifts at that point.

9 MR. BELL: Let me continue -- go ahead, Mr. Hamilton.

10 (Audio recording played)

11 MR. BELL: Pause for a moment.

12 Q. Reference is made here, Mr. Rechnitz, to Jona's fucking  
13 application. Had you applied to the NYPD for something at this  
14 point.

15 A. Yes, for the gun license.

16 Q. We'll talk more about this later, but did you understand  
17 Mr. Grant to have knowledge of that application?

18 A. Yes.

19 Q. And how did you understand that?

20 A. From Jeremy and from Jimmy.

21 Q. Let's keep going just a little bit further, Mr. Hamilton.

22 (Audio recording played)

23 MR. BELL: Let's stop there, Mr. Hamilton. Thank you.

24 Q. So Mr. Rechnitz, let's go back to roughly Christmas of 2013  
25 when you did make that trip to Staten Island. Back when you

IBQTGRA1

Rechnitz - Direct

1 and Mr. Reichberg were doing that, what kind of an interest had  
2 you and Mr. Reichberg taken in Mr. Grant's career?

3 A. A very strong interest.

4 Q. Why had you taken a very strong interest in his career?

5 A. Jimmy and Jeremy had known each other for years. Jeremy  
6 said he was young at the time, I believe he was a captain, and  
7 he was a rising star, and he was a guy who was a team player  
8 and would get things done.

9 Q. Did you and Mr. Reichberg take any actions to further or  
10 advance Mr. Grant's career?

11 A. Yes.

12 Q. What did you do?

13 A. We were influential in getting him promoted and transferred  
14 to a new precinct.

15 Q. What sorts of things did you do in order to get Mr. Grant  
16 promoted?

17 A. We spoke on several occasions to Philip Banks, the chief of  
18 the department, and to Michael Harrington, his right-hand man,  
19 about promoting Jimmy Grant.

20 Q. And what sort of a response did you get over time from  
21 Chief Banks?

22 A. Chief Banks had explained to both of us that promotions  
23 were up to the commissioner, but that he also had some spots  
24 that he could recommend, and that eventually he had taken care  
25 of it.

IBQTGRA1

Rechnitz - Direct

1 Q. And can you tell me, as close as you can, about what  
2 Mr. Banks told you when he told you that it had been taken care  
3 of?

4 A. Yes, I remember being in the Grand Cabana Room with Jeremy  
5 and Phil Banks where Philip said: I took care of your boy,  
6 he's getting promoted, the order just came in. And then he  
7 told us that we can call Jimmy and tell him, as long as Jimmy  
8 did not tell anybody until he gets the official call from the  
9 commissioner's office.

10 Q. Did you in fact --

11 MR. MERINGOLO: Your Honor, I object. We need a time  
12 frame for this.

13 THE COURT: Thank you. Overruled.

14 Counsel, you can proceed.

15 MR. BELL: Thank you, your Honor.

16 BY MR. BELL:

17 Q. At that time did you take Chief Banks up on his offer to  
18 notify Jimmy Grant of his having gotten the promotion?

19 A. Yes, we did.

20 Q. Where were you at the time?

21 A. We were in the Grand Cabana Room.

22 Q. Did you call Mr. Grant?

23 A. Yes, we did.

24 Q. How did that conversation go?

25 A. Very good. We called him, we told him that he had been



IBQTGRA1

Rechnitz - Direct

1 promoted, and we put Philip Banks on the phone with him as  
2 well.

3 Q. And did Mr. Banks, seriously or not, say anything about why  
4 he had promoted Mr. Grant?

5 A. Yes.

6 Q. What did he say?

7 A. He said: I promoted you so that they stop bothering me and  
8 asking me to get you promoted.

9 MR. MERINGOLO: Objection.

10 THE COURT: Thank you. Overruled. You can proceed.

11 Q. Now what did you -- at the time that Mr. Grant got  
12 promoted, what did you understand his new post to be?

13 A. He became an inspector in the 19 Precinct.

14 Q. What did you understand the 19 Precinct to cover?

15 A. That's the post precinct, which is in --

16 MS. NECHELES: Objection.

17 THE COURT: What's the objection?

18 MS. NECHELES: I object to the characterization, your  
19 Honor.

20 THE COURT: Thank you. Overruled. You can proceed.

21 A. It's the posh precinct of the Upper East Side. I believe  
22 it covers a big chunk of midtown, I think from 59th Street up  
23 to 72nd Street, but I'm not sure exactly which buildings.

24 Q. Was Mr. Grant now covering that precinct important to you  
25 and Mr. Reichberg?

IBQTGRA1

Rechnitz - Direct

1 A. Yes.

2 Q. Why?

3 A. First of all, we worked in those areas. Second of all, we  
4 now had a guy we're very close to in Manhattan. Even though my  
5 office was technically a block or two out of his precinct, it  
6 was still close enough where we could call him for any issues.

7 Q. Around the time that Jimmy Grant got promoted, how, if at  
8 all, did the frequency of your asking him for favors change?

9 A. The relationship was reignited. There had been a period  
10 where we weren't as much in contact, and from that point  
11 forward we were more in touch.

12 Q. And at around the time that Jimmy Grant got promoted, how,  
13 if at all, did the frequency of your and Mr. Reichberg's  
14 getting him things change?

15 A. As well, we started to give gifts again.

16 Q. Why did you start to give gifts to Mr. Grant again at  
17 around that time?

18 A. He was somebody who was resourceful to us at that point  
19 once again.

20 Q. Now notwithstanding Mr. Grant's new promotion to the 19th  
21 Precinct, did there later come a point when your and Jeremy's  
22 interest in Jimmy Grant fell off?

23 A. Yes.

24 Q. And why was that?

25 A. First of all, we were involved with Phil Banks and Michael

IBQTGRA1

Rechnitz - Direct

1 Harrington, people of that sort, but there was a point where we  
2 got a visit from the Internal Affairs Bureau, and there were  
3 investigations before that going on with people we were dealing  
4 with, and at that point got very nervous to be involved with  
5 cops.

6 MR. MERINGOLO: Your Honor, we're going to have to ask  
7 for a time frame.

8 THE COURT: You'll get the opportunity.

9 Please proceed, counsel.

10 MR. BELL: Thank you, your Honor.

11 Q. Let's take both of those things perhaps in turn. First,  
12 why did your growing relationship with Banks and Harrington  
13 have an effect -- an adverse effect on your relationship with  
14 Jimmy Grant?

15 A. Because we were dealing with people at the high level, at  
16 the top, so we didn't need to go through Jimmy to get things  
17 done anymore, we were able to just get it through Mike  
18 Harrington.

19 Q. And you mentioned that you were visited by IAB as another  
20 reason why the relationship fell off. Did there come a point  
21 where Phil Banks ceased to be chief of department?

22 A. Yes.

23 Q. Approximately when was that, do you recall?

24 A. It was all around the same period. I think it was -- I  
25 think it was in 2015 at some point, I don't remember the exact

IBQTGRA1

Rechnitz - Direct

1 date.

2 Q. How did you come to learn that Chief Banks was no longer  
3 going to be the chief of department?

4 A. He told Jeremy and I that he was going to have a meeting  
5 with the commissioner. We had assumed it was to offer him a  
6 big position to become the next commissioner, and we were in  
7 his office waiting for him to come back, and when he came back  
8 he told us that he had just resigned.

9 Q. Were you surprised?

10 A. I was furious.

11 Q. Why were you furious?

12 A. Because we had put so much time and energy and financial  
13 resources into this entire police world in growing within the  
14 NYPD, in Philip Banks, cultivating the relationship, and I felt  
15 we were back to square one.

16 Q. What affect, if any, did that have on your enthusiasm for  
17 continuing to provide benefits to cops in order to get things  
18 in return?

19 A. I was done. I tapped out. I told Jeremy that's it, this  
20 is embarrassing, we were on the top, now we're -- we have to  
21 start from square one. I'm done. We put too much effort into  
22 this.

23 Q. Did Mr. Reichberg give you an indication of whether he was  
24 done?

25 A. No, he said don't worry, I know -- I'm sure I know who the

IBQTGRA1

Rechnitz - Direct

1 replacement will be at some point, which was Jimmy O'Neil.  
2 Jeremy told me he knew him, he told me he's in with the  
3 commissioner's office, and he has other resources and other  
4 people.

5 Q. Prior to that point, had Mr. Reichberg taken an interest in  
6 getting to know Commissioner Bratton and others in his orbit?

7 A. Yes.

8 Q. What sort of an interest had he taken?

9 A. It was a very small interest. It grew after Philip Banks  
10 left. But one of the ladies who worked for Commissioner  
11 Bratton was the ex to Stephen McAllister, and Jeremy had taken  
12 an interest in dealing with her and getting to know her.

13 Besides that, we were always -- we were both looking for an  
14 angle to get in with the commissioner's office as well.

15 Q. Was that terribly successful prior to Phil Bank's  
16 resignation?

17 A. No.

18 Q. I asked you a number of questions about Grant, Harrington  
19 and Banks. I want to set those aside and ask you about some  
20 other officers. Are you familiar with a David Colon?

21 A. I am.

22 Q. Who was David Colon?

23 A. David Colon was a chief in NYPD.

24 Q. And did you and Mr. Reichberg do things for Mr. Colon as  
25 part of the arrangement and understanding that we have been

IBQTGRA1

Rechnitz - Direct

1 discussing?

2 A. Yes.

3 Q. What sorts of things did you and Mr. Reichberg do for David  
4 Colon?

5 A. First of all, his daughter had a Sweet Sixteen, so Jeremy  
6 told me that Dave was looking for a place for his daughter to  
7 celebrate in a safe environment, in a hotel. And we had  
8 spoken, and I ended up renting a room for his daughter's Sweet  
9 Sixteen in a hotel in Manhattan.

10 Q. What else did you do for Mr. Colon?

11 A. His daughter was looking for a summer internship, and I  
12 called a friend of mine at the time and got her a job.

13 Q. Where did you get her a job?

14 A. At Tommy Hilfiger's company.

15 Q. Who is your friend?

16 A. Tommy Hilfiger.

17 Q. And do you recall any other examples of things that you did  
18 for Mr. Colon?

19 A. I don't recall any other specifics other than buying him a  
20 Breitling watch.

21 Q. And what can you tell us about the incident in which you  
22 purchased the watch.

23 A. I bought him and another friend, mutual friend of ours,  
24 matching Breitling watches. Dave had introduced Jeremy and I  
25 to Hamlet Peralta, the fellow from the liquor business, and at

IBQTGRA1

Rechnitz - Direct

1 that point we thought it was a good business and we were all  
2 making money together, so as a nice gesture we purchased him a  
3 watch.

4 Q. What, if anything, did you and Mr. Reichberg get from Chief  
5 Colon, to your knowledge?

6 A. Not much that I could think of.

7 Q. Did you expect that you would get more from Chief Colon  
8 than you in fact did?

9 A. Yes.

10 Q. And what reason was there that you didn't get as much from  
11 Chief Colon?

12 A. Well, we were dealing with, again, Phil Banks, Michael  
13 Harrington, Jimmy Grant, so we were pretty much covered, but  
14 every time we would call Colon for something there would be  
15 another excuse or story why he couldn't come through.

16 MR. BELL: Could we put up on the witness's screen,  
17 Mr. Hamilton, what's been marked for identification as  
18 Government Exhibit 8.

19 Q. Are you familiar, Mr. Rechnitz, with the individual  
20 depicted here?

21 A. Yes.

22 Q. Who is it?

23 A. That's Chief Colon.

24 MR. BELL: Your Honor, the government offers  
25 Government Exhibit 8 as well as Government Exhibit 8A, a face

IBQTGRA1

Rechnitz - Direct

1 plate that says David Colon.

2 MS. NECHELES: No objection, your Honor.

3 MR. MERINGOLO: No objection.

4 THE COURT: Thank you. I'm accepting Exhibits 8 and  
5 8A into evidence. You can proceed.

6 (Government's Exhibits 8 and 8A received in evidence)

7 MR. BELL: May we please publish Government Exhibit 8  
8 to the jury?

9 THE COURT: You may.

10 BY MR. BELL:

11 Q. Is this Mr. Colon?

12 A. Yes.

13 MR. BELL: Let's take that down, and could we publish  
14 just to the witness Government Exhibit 613.

15 Q. Are you familiar with the individuals depicted here?

16 A. Yes.

17 Q. How are you familiar with them?

18 A. I'm sorry, the screen just went blank.

19 (Pause)

20 THE COURT: Counsel, do you have a hard copy?

21 MR. BELL: I think we're back on line.

22 THE COURT: You can proceed, counsel for the United  
23 States. Until we're able to fix this problem, could you hand  
24 the witness physical copies?

25 MR. BELL: Sure. I think Mr. Rechnitz has a binder



IBQTGRA1

Rechnitz - Direct

1 with most, if not all, of the stuff in it, so that might be  
2 helpful as well.

3 Q. Are you familiar with this picture, sir?

4 A. Yes, I am.

5 Q. How are you familiar with it?

6 A. I believe I took it at a promotion ceremony for Dave Colon.

7 Q. Who is depicted in the picture?

8 A. Chief Colon and his girlfriend.

9 MR. BELL: The government offers 613.

10 THE COURT: Counsel?

11 MS. NECHELES: No objection.

12 MR. MERINGOLO: No objection.

13 THE COURT: Thank you, I'm accepting 613 into  
14 evidence.

15 (Government's Exhibit 613 received in evidence)

16 THE COURT: Counsel, you can proceed.

17 MR. BELL: May we briefly publish that?

18 THE COURT: You may.

19 MR. BELL: Thank you.

20 Let's take that down.

21 BY MR. BELL:

22 Q. Now Mr. Rechnitz, while we're having these screen issues,  
23 could I direct you to what should be in your binder as GX1016?

24 A. Yes.

25 MR. BELL: Meanwhile, Mr. Hamilton --

IBQTGRA1

Rechnitz - Direct

1 A. I can see the screen in front of me, if that helps.

2 Q. For the emails where the screen is kind of small, let's do  
3 it that way.

4 A. Okay.

5 Q. And so are you familiar with Government Exhibit 1016?

6 A. Yes, I am.

7 Q. How are you familiar with this?

8 A. This is an email that David Colon's daughter, Laura, wrote  
9 to me for the internship, which I then forwarded to Tommy. I  
10 told him that it was the daughter of an NYPD chief, and he  
11 wrote to me: I'm on it, thanks.

12 MR. BELL: Your Honor, the government offers  
13 Government Exhibit 1016.

14 MS. NECHELES: No objection.

15 MR. MERINGOLO: No objection.

16 THE COURT: Thank you. I'm accepting 1016 into  
17 evidence. You can proceed.

18 (Government's Exhibit 1016 received in evidence)

19 MR. BELL: Could we publish that to the jury, please.  
20 And Mr. Hamilton, could we focus in the first instance on the  
21 email below, just the bottom half. Thank you. Email from  
22 Laura Colon, just highlight the date for me.

23 Maybe we could focus on the first paragraph. I will  
24 read, just to move things along: Hello, Jona Rechnitz. I  
25 would like to take the opportunity to thank you in advance for

IBQTGRA1

Rechnitz - Direct

1 your referral to Tommy Hilfiger for an internship. I will not  
2 let you down as I will adhere to the highest principles and  
3 work ethics. I will am a reflection of my father as well as  
4 you. If given the opportunity to do the internship, I will be  
5 sure to keep both of your reputations at a high standard.

6 Let's jump out of the blow up box and focus in on the  
7 top half of the email.

8 Q. So you then forward this and note: Daughter of an NYPD  
9 chief. Very close friend. Any push would be greatly  
10 appreciated. Then it's your signature. Then Mr. Hilfiger  
11 responds on March 8 at 2:33 p.m. saying: I'm on it, thanks.

12 Copied is an individual named Sheila Cox. Did you  
13 have an understanding of who Sheila Cox was?

14 A. Yes.

15 (Continued on next page)

16  
17  
18  
19  
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22  
23  
24  
25

IBQKGRA2

Rechnitz - Direct

1 BY MR. BELL:

2 Q. Who was Sheila Cox?

3 A. Tommy's personal assistant.

4 MR. BELL: Let's take that down.

5 Can we put up on the screen, just for the witness,  
6 Government Exhibit 1017. Can we just focus on the top half  
7 that has the text on it.

8 Q. Are you familiar with this email?

9 A. I'm just reading it here.

10 Q. Sure.

11 A. Yes, I am.

12 Q. How are you familiar with this email?

13 A. It's an email that Tommy had sent to me.

14 Q. Does it concern the internship?

15 A. Yes. Tommy wrote me an email saying she's onboard --

16 Q. I won't ask you to read it right now. I'll just ask  
17 whether it concerns the internship.

18 A. Yes.

19 MR. BELL: Your Honor, the government offers  
20 Government Exhibit 1017.

21 MS. NECHELES: No objection.

22 MR. MERINGOLO: No objection.

23 THE COURT: Thank you.

24 I'm accepting 1017 into evidence.

25 You can proceed.

IBQKGRA2

Rechnitz - Direct

1 (Government's Exhibit 1017 received in evidence)

2 MR. BELL: Can we publish to the jury, Mr. Hamilton.

3 BY MR. BELL:

4 Q. So, beginning at the very bottom, on April the 8th,  
5 Mr. Hilfiger writes: "Jona, she's onboard as a Tommy Hilfiger  
6 intern."

7 You respond: "Beautiful. Thank you. Her father  
8 is" --

9 MR. BELL: Whoops. Let's just focus back in there.  
10 Thank you, Mr. Hamilton.

11 Q. "Beautiful. Thank you. Her father is Chief of Community  
12 Affairs in the NYPD and works very hard for her future. She's  
13 a bright girl with drive. She's on a path to success with your  
14 help. Thank you."

15 And Hilfiger responds: "Great."

16 Why did you note there, Mr. Rechnitz, that Laura's  
17 father was the Chief of Community Affairs at the NYPD?

18 A. I didn't want him to think it was -- he was the chief of  
19 the entire NYPD.

20 MR. BELL: Can we take that down.

21 Can you put up, just for the witness, Government  
22 Exhibit 1018.

23 Q. Are you familiar with this email?

24 A. Yes, I am.

25 Q. Oh, just to be clear, is your screen working again?

IBQKGRA2

Rechnitz - Direct

1 A. Yes.

2 Q. Terrific.

3 How are you familiar with this email exchange, sir?

4 A. It's an email which involves me and my hotel travel agent.

5 MR. BELL: Your Honor, the government offers 1018.

6 MS. NECHELES: No objection.

7 MR. MERINGOLO: No objection.

8 THE COURT: Thank you.

9 I'm accepting 1018 into evidence.

10 You can proceed.

11 (Government's Exhibit 1018 received in evidence)

12 MR. BELL: Thank you.

13 Can we publish that, Mr. Hamilton.

14 BY MR. BELL:

15 Q. Let's start at the bottom half of that first page. It  
16 says: "Reservation confirmation."

17 This is from Luxury Connections Reservations. Who was  
18 Luxury Connections?

19 A. A friend of mine, Avi Goldstein, he's the person who made  
20 all my hotel bookings.

21 Q. It says here: "Dear Laura Colon, we are pleased to confirm  
22 your upcoming stay at the Royalton. We will be delighted to  
23 assist you."

24 And there is Laura Colon, and the email is  
25 jona@jrs.cap.

IBQKGRA2

Rechnitz - Direct

1           Whose email address was that, in fact?

2       A.   The jrs.cap, it was my email address.

3       Q.   Under the credit card information, there's a number, and it  
4       says: "Cardholder: Jona Rechnitz."

5           Did you pay for that reservation?

6       A.   Yes, I did.

7       Q.   The charge listed at the bottom is \$2,149.51.

8           Does that accord with your memory of how much you  
9       paid?

10      A.   Yes.

11      Q.   Now, Mr. Rechnitz, as a general matter, when you paid for  
12      hotel stays for other people, did you tend to want them to know  
13      how much you had paid in order to do so?

14      A.   No.

15      Q.   Why not?

16      A.   I either wanted them to think that I somehow got it for  
17      free, or I was the owner of the hotel, or I traded some sort of  
18      a comp for it, or I didn't want them to feel bad at the amount  
19      of money that was being spent.

20      Q.   So what sorts of measures, if any, did you take in order to  
21      not let the beneficiaries know about the charges?

22      A.   I would take a reservation email, just like in this case,  
23      but I would take out the dollar amount, and let it either read  
24      zero, or no charge, or just leave it blank.

25           MR. BELL: Can we jump out of that box for the moment.

IBQKGRA2

Rechnitz - Direct

1 Q. You say: "Thank you."

2 And then Luxury Connections responds: "Hi Jona. It  
3 is our pleasure, and thank you for choosing Luxury Connections.  
4 Wishing Ms. Colon a wonderful stay at the Royalton. Best,  
5 Luxury Connections team."

6 MR. BELL: You can take that down, Mr. Hamilton.

7 Q. You mentioned a Breitling before that you had gotten for  
8 Mr. Colon and for another individual.

9 Do you recall, roughly, how much that Breitling cost?

10 A. I think it was somewhere between three to five thousand  
11 dollars.

12 Q. Do you recall where you got it from?

13 A. At Motion In Time.

14 Q. What was Motion In Time?

15 A. A watch store in Manhattan.

16 Q. Were you a regular customer of Motion In Time?

17 A. Yes.

18 Q. Who were your contact people, or who was your contact  
19 person, at Motion In Time?

20 A. A fellow by the name of Ariel and Boris.

21 Q. Do you recall their last name?

22 A. Shamayev.

23 Q. And were Ariel -- how were Ariel and Boris related,  
24 assuming they were?

25 A. They were brothers.



IBQKGRA2

Rechnitz - Direct

1 Q. Did you deal exclusively with one of those individuals or  
2 sometimes either one?

3 A. Sometimes either one.

4 MR. BELL: Why don't we now put up, just for the  
5 witness, Government Exhibit 1019.

6 Q. By the way, with respect to that Breitling watch, was that  
7 a trade-in or a straight-up purchase?

8 A. Straight-up purchase.

9 Q. Now, 1019 is now on the screen. Are you familiar with this  
10 email?

11 A. Yes, I am.

12 Q. And how are you familiar with this email?

13 A. It's an email that I wrote to Jeremy.

14 MR. BELL: Your Honor, the government offers  
15 Government Exhibit 1019.

16 MS. NECHELES: No objection.

17 THE COURT: Thank you.

18 Counsel?

19 MR. MERINGOLO: No objection.

20 THE COURT: Thank you.

21 I'm accepting 1019 into evidence.

22 You can proceed, counsel.

23 (Government's Exhibit 1019 received in evidence)

24 MR. BELL: Let's publish that to the jury,  
25 Mr. Hamilton.

IBQKGRA2

Rechnitz - Direct

1 BY MR. BELL:

2 Q. So, on June the 5th, 2013, at 11:45 a.m., you write:

3 "Colon hooked up to Jeremy."

4 What did you mean by "Colon hooked up"?

5 A. Had purchased him a gift, a watch.

6 Q. And then Jeremy responds: "What did you get?"

7 Did you have discussions with Jeremy about the various  
8 things that you got for Dave Colon?

9 A. Yes.

10 Q. Did you eventually tell Jeremy what precisely it was that  
11 you got?

12 A. Yes.

13 Q. Did you also tell him about the hotel at the Royalton?

14 A. Yes.

15 Q. Did you tell Mr. Reichberg about the internship with Tommy  
16 Hilfiger?

17 A. Yes.

18 Q. Why did you generally keep Mr. Reichberg in the loop about  
19 these things?

20 A. Well, first of all, he had approached me about Dave Zauder  
21 for the hotel for the sweet sixteen, but this was something we  
22 had discussed the other day. These were shared -- anything to  
23 do with me was a shared resource, and Jeremy and I were  
24 partners in this scheme. So he kept me in the loop when it  
25 pertained to me, and I kept him in the loop.

IBQKGRA2

Rechnitz - Direct

1 Q. When you say "shared resource," what do you mean by that?

2 A. Any benefit that would come out of my financial benefit,  
3 Jeremy would benefit from as well. He would deal with the  
4 details; I would deal with the financial aspects.

5 Q. Thank you.

6 MR. BELL: Why don't we take that one down,  
7 Mr. Hamilton.

8 Q. I've asked you a number of questions about Chief Colon.  
9 Did you also know a Chief McAllister?

10 A. Yes.

11 Q. Who is Steve McAllister?

12 A. When I met him, he was an inspector in the NYPD.

13 Q. Did that change over time?

14 A. Yes.

15 Q. What happened?

16 A. He retired, and he took on a new job as the position of  
17 commissioner of the Floral Park Police Department.

18 Q. Where did you understand Floral Park to be?

19 A. I think it's in Queens.

20 Q. Now, while Mr. McAllister was with the NYPD, what did he do  
21 for you and Jeremy that you were aware of?

22 A. I think he was involved in help with closure of the Lincoln  
23 Tunnel for my boss. He was involved in helping get rid of  
24 protesters in front of the jewelry store that my boss had  
25 owned.

IBQKGRA2

Rechnitz - Direct

1 Q. What sorts of things did you and Mr. Reichberg do for  
2 Mr. McAllister while he was with the NYPD?

3 A. So, first of all, we had given monetary assistance to the  
4 NYPD football team.

5 Q. Was Mr. McAllister affiliated with the football team?

6 A. Yes. He had asked for the donations.

7 In addition to that, I had bought him a Chopard watch;  
8 had given him a free diamond for his daughter who was getting  
9 engaged. And there were other jewelry and types of things that  
10 we did for him as well in addition to meals that we paid for.

11 Q. Did you continue to do things for Mr. McAllister after he  
12 left the NYPD?

13 A. Once he was in the Floral Park Police Department, yes.

14 Q. What did you do for him?

15 A. We took him on a trip to Miami on a private jet to watch  
16 the BCS football game. Actually, we took him back, I remember,  
17 from Miami. Also continued giving him jewelry gifts. Gave him  
18 a donation for some Nassau County golf tournament. He asked  
19 for things like that.

20 Q. What sorts of things are you aware of that Mr. McAllister  
21 did for you once he got to Floral Park?

22 A. He had made me a clergy liaison and gave me a parking  
23 placard and ID card. He made Jeremy the chaplain of Floral  
24 Park Police Department and gave him, also, a card and a parking  
25 chaplaincy card.

IBQKGRA2

Rechnitz - Direct

1 MR. BELL: Can we put up just for the witness,  
2 Mr. Hamilton, what's been marked for identification as  
3 Government Exhibit 1023.

4 Q. I'll ask you to just read through that and look up when  
5 you're done.

6 (Pause)

7 A. Okay.

8 Q. Are you familiar with this email exchange?

9 A. Yes, I am.

10 Q. How are you familiar with this email exchange?

11 A. It's an email between me and Stephen McAllister.

12 MR. BELL: Your Honor, the government offers  
13 Government Exhibits 1023.

14 MS. NECHELES: No objection.

15 MR. MERINGOLO: No objection.

16 THE COURT: Thank you.

17 I'm accepting 1023 into evidence.

18 You can proceed.

19 (Government's Exhibit 2023 received in evidence)

20 MR. BELL: Can we publish that to the jury,  
21 Mr. Hamilton. And let's look at the bottom half of the page.

22 BY MR. BELL:

23 Q. You write at the bottom: "Hi. I am with Jeremy now on a  
24 flight. His phone isn't working. Sorry it is so last minute,  
25 but since I will be in town tonight before my travels next

IBQKGRA2

Rechnitz - Direct

1 week, can you arrange dinner at 7 with Chief Dunn, you, me, and  
2 Jeremy. If it is okay, we would bring Mike Harrington as well.  
3 Thank you."

4 Who is Chief Dunn?

5 A. Chief Dunn, I believe, was the head of the Port Authority.

6 Q. What were you looking to do here?

7 A. It was either Port Authority or highway, I don't remember  
8 which one.

9 We were looking to establish a connection with Chief  
10 Dunn.

11 Q. McAllister responds: "Jona, his schedule is planned weeks  
12 in advance. We would need to set up a future date to meet.  
13 Tonight is an impossibility."

14 MR. BELL: Can we go to the top half, please.

15 Q. You respond: "Okay. Thank you. Hope you are doing well."

16 Mr. McAllister responds: "Always. Thank you. Ask  
17 Jeremy status of ring."

18 Did you have an understanding of what Mr. McAllister  
19 was referring to when he said "Ask Jeremy status of ring"?

20 A. I'm not sure which ring he's referring to, but it was  
21 talking about a diamond ring.

22 Q. Were you familiar with multiple diamond rings that  
23 Mr. Reichberg was helping Mr. McAllister with?

24 A. Yes.

25 Q. What do you recall of those?

IBQKGRA2

Rechnitz - Direct

1 A. There was one that I had arranged, and I remember that  
2 Jeremy had arranged other jewelry for him.

3 MS. NECHELES: I just object. I don't know what he  
4 means by "arranged."

5 Q. What do you mean by "arranged," Mr. Rechnitz?

6 THE COURT: Thank you.

7 First, the objection is overruled, but, counsel, if  
8 you'd like to inquire further, you may.

9 MR. BELL: Sure. I'm happy to be helpful.

10 BY MR. BELL:

11 Q. What do you mean by "arranged," Mr. Rechnitz?

12 A. Provided him with, sold to him.

13 MR. BELL: So let's take that down.

14 Before we do, I'll note that the email exchange is  
15 dated July the 31st of 2013.

16 Now let's take that down. Thank you, Mr. Hamilton.

17 Mr. Hamilton, I'll ask you to put up on the witness'  
18 screen what's been marked for identification as --

19 Q. Well, first of all, are you familiar with a Detective  
20 Michael Milici?

21 A. Yes, I am.

22 Q. How are you familiar with Mr. Milici?

23 A. I met him through Jeremy.

24 Q. Did there come a time where you and Jeremy did things for  
25 Milici and Milici did things for you?

IBQKGRA2

Rechnitz - Direct

1 A. Yes.

2 Q. So what sorts of things did you do for Milici?

3 A. We took him to a trip to Las Vegas on a private plane. We  
4 took him on a trip to the Dominican Republic on a private  
5 plane. I know that Jeremy's constantly on the phone with him  
6 getting things done in his community.

7 Q. Where did you understand -- what, if anything, did  
8 Mr. Reichberg tell you about his relationship with Mr. Milici;  
9 that is, its origins?

10 A. That he had met him in the Borough Park community, that  
11 they had a working relationship.

12 Q. What, if anything, do you recall Milici doing for you and  
13 Jeremy?

14 A. I remember him providing access one time at a parade when  
15 we had seen him, but other than that, I didn't have much  
16 dealings with him.

17 Q. Did you understand Mr. Reichberg to have more extensive  
18 dealings with Mr. Milici than you?

19 A. Yes.

20 Q. How did you have that understanding?

21 A. From Jeremy. He had told me that.

22 MR. BELL: I'll ask, Mr. Hamilton, for you now to put  
23 up Government Exhibit 10, as identified up on the witness'  
24 screen.

25 Q. Well, let's do this one: Who's this, sir?



IBQKGRA2

Rechnitz - Direct

1 A. Stephen McAllister.

2 MR. BELL: Your Honor, the government offers  
3 Government Exhibit 10 and a nameplate 10-A that says "Stephen  
4 McAllister."

5 MS. NECHELES: No objection.

6 MR. MERINGOLO: No objection.

7 THE COURT: Thank you.

8 I'm accepting Exhibit 10 and Exhibit 10-A into  
9 evidence.

10 You can proceed.

11 (Government's Exhibits 10 and 10-A received in  
12 evidence)

13 MR. BELL: Can we publish that.

14 BY MR. BELL:

15 Q. So this is Mr. McAllister?

16 A. Yes.

17 MR. BELL: Let's take that down.

18 Mr. Hamilton, I'll now ask you to publish for the  
19 witness what's been marked for identification as Government  
20 Exhibit 5.

21 Q. Are you familiar with this individual?

22 A. Yes.

23 Q. Who is that?

24 A. Michael Milici.

25 MR. BELL: Your Honor, the government offers

IBQKGRA2

Rechnitz - Direct

1 Government Exhibit 5 and 5-A, a nameplate that says "Michael  
2 Milici."

3 MS. NECHELES: No objection.

4 MR. MERINGOLO: No objection.

5 THE COURT: Thank you.

6 I'm accepting Exhibits 5 and 5-A.

7 You can proceed.

8 (Government's Exhibits 5 and 5-A received in evidence)

9 MR. BELL: Let's publish that, Mr. Hamilton.

10 BY MR. BELL:

11 Q. So is this Detective Milici?

12 A. Yes.

13 MR. BELL: Let's take that down.

14 Q. Did there come a point where you and Mr. Reichberg employed  
15 Mr. Milici's services with respect to real estate in lower  
16 Manhattan?

17 A. Yes.

18 Q. Can you tell us about that?

19 A. Yes. There were two occasions. There was a building on  
20 Wall Street, 23 Wall Street, that I had managed on behalf of  
21 the ownership. And, first of all, there was an event which  
22 required armed security, so we had to pay Mike Milici as a  
23 security guard for that event.

24 In addition to that, there was a security fee that the  
25 management company would pay to me on a monthly basis, and this

IBQKGRA2

Rechnitz - Direct

1 security guard was an old teacher of mine, an older rabbi, who  
2 I had guard the construction site, but when the building  
3 ownership decided to replace me as the manager, I was afraid if  
4 they would meet him, they would fire him because he didn't have  
5 the qualifications as a security guard. So Jeremy and I gave  
6 Mike some money, and Mike went into the interview pretending he  
7 had been the security guard on site permanently.

8 Q. Are you familiar, from the same period of your life, with  
9 an individual named Eddie Gardner?

10 A. Yes, I am.

11 Q. Who is Eddie Gardner?

12 A. I had met Eddie Gardner through Jeremy. I believe he was a  
13 detective in the TARU at the NYPD.

14 Q. What unit did you understand that to be?

15 A. Some undercover unit in the NYPD.

16 Q. Did you and Mr. Reichberg do certain things for Eddie  
17 Gardner?

18 A. Yes.

19 Q. What did you do?

20 A. We paid for meals, and we had taken him to the BCS  
21 championship to Florida on our private plane and back.

22 Q. Are you familiar with an individual named Jimmy McCarthy?

23 A. Yes, I am.

24 Q. Who is Jimmy McCarthy?

25 A. I had met him through Jeremy as well. He was a chief in

IBQKGRA2

Rechnitz - Direct

1 the NYPD in Queens.

2 Q. What, if anything, did you do for Jimmy McCarthy?

3 A. We took him to a -- I remember we took him to a baseball  
4 game, and in addition to that, also took him to Florida on the  
5 private plane for the BCS championship game.

6 Q. What, if anything, do you recall Jimmy McCarthy doing for  
7 you and/or Mr. Reichberg?

8 A. Not much. The only thing -- the only two things that come  
9 to mind is that there was somebody who was in a holding cell in  
10 a precinct in Queens, and Jeremy had called him -- we went to  
11 visit the individual to try and get him out. The other thing  
12 is there was a time when we were stuck in traffic, or I was  
13 stuck in traffic going to the airport, and I had called Jeremy  
14 to see if he could get permission to turn on lights and sirens  
15 in my car to avoid traffic, and he told me to call Chief  
16 McCarthy to tell him and that he had spoken to him.

17 Q. I'm going to ask you a few questions about that,  
18 Mr. Rechnitz.

19 Over the course of your relationship with  
20 Mr. Reichberg, did the term "lights and sirens" develop a  
21 particular meaning?

22 A. Yes.

23 Q. What did lights and sirens mean?

24 A. What it sounds like, putting on lights and sirens package  
25 in the vehicle to avoid traffic.

IBQKGRA2

Rechnitz - Direct

1 Q. Who did you know at this time who had lights and sirens  
2 packages in their personal vehicles, other than police  
3 officers?

4 A. A fellow by the name of Nussy Josephy who used to drive for  
5 us and for Jeremy. I had lights and sirens in my car, which I  
6 then gave to Jeremy.

7 Q. And who was this Nussy Josephy?

8 A. He was somebody who was associated with Jeremy, who ran a  
9 lot of errands for him, and many times drive me as well, me and  
10 Jeremy together.

11 Q. Did you understand Nussy Josephy to be a police officer?

12 A. No.

13 Q. Did you understand Nussy Josephy to have any affiliation  
14 with emergency services?

15 A. Yes.

16 Q. What affiliation with emergency services did Mr. Josephy  
17 have?

18 A. He was a volunteer for the Hatzolah Ambulatory Service,  
19 which is a volunteer service for ambulatory services.

20 Q. About how often did Nussy Josephy drive you and Jeremy?

21 A. I'd say biweekly.

22 Q. About how often did Mr. Josephy use his license and sirens  
23 package while doing so?

24 A. Very often.

25 Q. What, if anything, would Mr. Josephy or Mr. Reichberg do in

IBQKGRA2

Rechnitz - Direct

1 order to get permission to put on their lights and sirens --  
2 the lights and sirens?

3 A. Mr. Josephy was hesitant to do it on his own. He would  
4 call Jeremy or ask Jeremy in the car, and Jeremy would then say  
5 he already got permission, or place a phone call to an officer  
6 to get permission, or let them know he was using lights and  
7 sirens in case he got pulled over.

8 Q. Do you recall any of the officers that Mr. Reichberg would  
9 use in order to ostensibly get permission to put lights and  
10 sirens on?

11 A. I do not.

12 Q. Now, when this happened, would the end result be  
13 Mr. Josephy turning on his lights and sirens?

14 A. Yes.

15 Q. How were they used? In other words, what would he be able  
16 to do?

17 A. Cut traffic, move cars to the side.

18 Q. Now, you mentioned that you had a lights and sirens package  
19 within your vehicle at one point. How did you come to get a  
20 lights and sirens package?

21 A. We had it installed. I think Nussy had a place to install  
22 it. I asked Jeremy if I can get lights and sirens, and he  
23 arranged to have it installed.

24 Q. Why did you want the lights and sirens package?

25 A. So I could avoid traffic as well.

IBQKGRA2

Rechnitz - Direct

1 Q. Did you -- and, to be clear, when Nussy Josephy used --  
2 well, first of all, to your recollection, who used the lights  
3 and sirens package more often, yourself or Mr. Josephy, when  
4 you were around?

5 A. Mr. Josephy.

6 Q. About how often did you use that -- did Mr. Josephy use  
7 that package in nonemergency situations?

8 MR. MERINGOLO: Objection; speculation.

9 THE COURT: Thank you.

10 Can you rephrase the question, counsel?

11 MR. BELL: Sure.

12 BY MR. BELL:

13 Q. How often did you observe Mr. Josephy use his lights and  
14 sirens package in the way that you've described in nonemergency  
15 situations?

16 A. I think every time I was around that it was used, it was  
17 never in an emergency.

18 Q. Can you give me some examples of circumstances in which  
19 Mr. Josephy, with permission, utilized the lights and sirens  
20 package?

21 A. Jeremy and I took somebody to the U.S. Open, we went lights  
22 and sirens. We went to the airport, we went lights and sirens.  
23 We had to cross town, we went lights and sirens.

24 Q. Who did you take to the U.S. Open?

25 A. Stewart Rahr.

IBQKGRA2

Rechnitz - Direct

1 Q. Who was Mr. Rahr?

2 A. He was a fellow I met at a Knicks game who I was in touch  
3 with. He was giving a lot of charity out, and I wanted to  
4 impress him.

5 Q. Did you also know an individual named Paul Raps?

6 A. Yes.

7 Q. Who is Mr. Raps?

8 A. Paul Raps is a former employer of Lev Leviev, and I used to  
9 share an office space with him.

10 MR. BELL: Can we put up on the screen, just for the  
11 witness, what's been marked for identification as Government  
12 Exhibit 1015.

13 Q. Are you familiar --

14 MS. NECHELES: Objection, your Honor.

15 THE COURT: Thank you.

16 You can ask the question.

17 BY MR. BELL:

18 Q. Are you familiar with this email?

19 A. Yes, I am.

20 Q. Who is it from, and who is it to?

21 A. It is from Paul Raps, and it's to me, and he copied a whole  
22 slew of people.

23 Q. Can you list the people who were copied on this?

24 A. Ilana Freider, Guy Tanne, Yaron Turgeman, and Ari Schwebel.

25 Q. Can you tell me who each of those people is?



IBQKGRA2

Rechnitz - Direct

1 A. Ilana Freider was --

2 MS. NECHELES: Objection, your Honor.

3 THE COURT: Thank you.

4 You can answer that question.

5 THE WITNESS: Ilana Freider was Paul Raps' personal  
6 assistant, Guy Tanne was the CFO for Paul Raps, Yaron Turgeman  
7 is the owner of Taly Diamonds, and Ari Schwebel was a fellow  
8 who worked with me.

9 MR. BELL: Your Honor, the government offers  
10 Government Exhibit 1015.

11 MS. NECHELES: Objection.

12 THE COURT: Thank you.

13 Come on up.

14 (Continued on next page)

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IBQKGRA2

Rechnitz - Direct

1 (At the sidebar)

2 THE COURT: Thank you.

3 Counsel, there's an objection?

4 MS. NECHELES: Yes. It's hearsay.

5 THE COURT: Thank you.

6 With respects to the statement in the email that  
7 Jeremy had taken this person for a ride?

8 MS. NECHELES: Yes, that they went lights and sirens.

9 THE COURT: Thank you.

10 Counsel?

11 MR. BELL: Okay. We'll get at it another way. That's  
12 fine.

13 THE COURT: Thank you.

14 MS. NECHELES: Your Honor, when the government says  
15 they'll get it in another way, to the extent that they intend  
16 to elicit testimony to this, that would have the same objection  
17 of hearsay. It's not a coconspirator statement in furtherance  
18 of anything.

19 THE COURT: Thank you.

20 I'll hear any further objections. At this point I  
21 expect to sustain the objection, and counsel will move on.

22 MS. NECHELES: Thank you.

23 (Continued on next page)

IBQKGRA2

Rechnitz - Direct

1 (In open court)

2 THE COURT: I'm sorry. Thank you very much.

3 Counsel, I'm sorry for the interruption. The  
4 objection is sustained.

5 Counsel, you can proceed.

6 MR. BELL: Is there, Mr. Hamilton, a way to take that  
7 down from the witness' screen, but to leave it on mine? Nope?  
8 Yep? Oh, great.

9 BY MR. BELL:

10 Q. As a general matter, Mr. Rechnitz, did you discuss with  
11 Mr. Reichberg the favors that -- the police favors that you got  
12 for friends of yours?

13 A. Yes.

14 Q. Do you recall discussing with Mr. Reichberg a police escort  
15 for Mr. Raps?

16 A. Yes, I did.

17 Q. What do you recall of that discussion with Mr. Reichberg?

18 A. That he had arranged for Mr. Raps a police -- I don't want  
19 to say police -- lights and sirens in a vehicle for Paul Raps  
20 on a ride in the city.

21 Q. Did Mr. Reichberg tell you anything about how that ride had  
22 been received by Mr. Raps?

23 A. Yes.

24 Q. What did he tell you?

25 A. He said that Mr. Raps was very impressed and very excited.

IBQKGRA2

Rechnitz - Direct

MR. BELL: Okay. Let's take that down.

Can we please put up for the witness what has been marked as Government Exhibit 1022.

BY MR. BELL:

Q. Are you familiar with this email exchange?

A. Yes, I am.

Q. And how are you familiar with it?

A. I am on the email with other people.

Q. Who are those other people?

A. Baruch Levine sent the email to me, Jeremy Reichberg, and a mutual friend, Reuven Hellman.

Q. Who was Mr. Hellman?

A. He's a friend of mine. He lives in the Upper West Side.

Q. And who was Mr. Levine?

A. He is a well-known singer in the Jewish community.

MR. BELL: Your Honor, the government offers 1022.

MS. NECHELES: Objection, your Honor.

THE COURT: Thank you. Sustained.

You can proceed.

MR. BELL: Your Honor, I'd like to offer Government Exhibit 1022, but redact the very top of the email, the first message. The rest of it ought to be able to overcome the objection.

THE COURT: Thank you.

Come on up. We can talk about it briefly.

IBQKGRA2

Rechnitz - Direct

1 (At the sidebar)

2 THE COURT: Thank you.

3 Sorry. First, does any of you have a copy of the  
4 document here that we can refer to?

5 MR. BELL: Yes, we can get one. Sorry.

6 THE COURT: Thank you. That's fine.

7 Counsel, first, there's an objection. What's the  
8 basis?

9 MS. NECHELES: Hearsay.

10 THE COURT: Thank you.

11 Counsel for the United States?

12 MR. BELL: Assuming for the moment that we redact the  
13 top, the various entries in there that are from persons other  
14 than Jona and Jeremy are there to provide context for what Jona  
15 and Jeremy -- I think just Jona, really, acknowledge there --  
16 as well as their state of mind in providing that. So -- one  
17 moment.

18 In addition to that, they're also in the mode of  
19 requests and questions, which are themselves not statements,  
20 and they're not offered for the truth.

21 MS. NECHELES: Your Honor, I agree that questions are  
22 not necessarily hearsay -- I mean are not offered for the  
23 truth, but it seems like the bottom is not a question.

24 So the bottom one, it seems like, is Reuven Hellman  
25 saying that Jona did something, and then Jona saying okay --

IBQKGRA2

Rechnitz - Direct

1 MR. BELL: The principal messaging from the bottom is  
2 the please be in touch with him at 3:00 p.m. The remaining  
3 part of that bottom message contextualizes that. But that's an  
4 instruction, your Honor, and it's not being offered for its  
5 truth, and I think, at the very least, if your Honor does feel  
6 that a limiting instruction is required there that those things  
7 aren't offered for the truth. I think your Honor has done a  
8 complete enough job explaining what that means, that it can be  
9 done on short order here.

10 THE COURT: What's the purpose of this document? Can  
11 you proffer why it is that you're introducing this, counsel?

12 MR. BELL: It corroborates what I believe Mr. Rechnitz  
13 is going to describe as this being an event that happened.  
14 That instructions were given, that they were followed up on.

15 THE COURT: Sorry, that Mr. Rechnitz provided  
16 instructions that something occur?

17 MR. BELL: Well, essentially that these arrangements  
18 were made, that the escort was requested, that Mr. Rechnitz  
19 took care of it, checked to make sure it was okay, and checked  
20 to make sure that it was okay afterwards. But it all goes to  
21 corroborate what would be his oral testimony, and as compelling  
22 as that's been, I'd like to be able to get in what  
23 corroboration I can on it.

24 MS. NECHELES: An escort? It just seems like it's  
25 talking about fireworks.

IBQKGRA2

Rechnitz - Direct

1 THE COURT: Thank you.

2 Just for my benefit, what is it about this that shows  
3 that this is about an escort?

4 MR. BELL: Well, I think that -- I'm sorry. Sure. So  
5 it's about the VIP seating, but the escort followed.  
6 Mr. Rechnitz said it's about VIP seating for the fireworks. I  
7 think that Mr. Rechnitz would arrange, in what by now is  
8 probably predictable fashion, how that VIP seating came to be,  
9 and I think further testified that an escort happened after  
10 that VIP seating. The escort -- in order for the escort to  
11 make sense, I think we have to understand what happened before.  
12 This would corroborate Jona Rechnitz on that score.

13 THE COURT: Thank you. Counsel, any concerns about  
14 the proposal that we redact the first portion of this? I  
15 understand that Mr. Rechnitz is going to testify about the  
16 inquiry and then his arrangement of both VIP seating at the  
17 fireworks and the escort that followed it.

18 MS. NECHELES: Your Honor, I don't think there is a  
19 corroboration exception to the hearsay rules. I don't really  
20 want to be doing this objection, except the government has been  
21 hypertechnical about hearsay. So, in some sense, I think that  
22 this is kind of like, okay, he's going to testify about it, but  
23 if we all understand that there's a lot of documents in this  
24 case, that the government would like to put some in, we would  
25 like to put some in, but if we're going to be hypertechnical on

IBQKGRA2

Rechnitz - Direct

1 both sides, then I'm going to insist on being hypertechnical,  
2 but I think that this does not technically fit within any  
3 hearsay exception.

4 MR. BELL: To be clear --

5 MS. NECHELES: I'm saying what's good for the goose is  
6 good for the gander.

7 THE COURT: I appreciate your comment, Ms. Necheles.

8 MR. BELL: I'm not suggesting that the corroboration  
9 is an exception to the hearsay rule. The corroboration was to  
10 answer your Honor's question of why we want this in, which is a  
11 distinct question. I also think that as a technical or  
12 hypertechnical matter, the redaction of the top part actually  
13 does solve the problem, and Ms. Necheles hasn't given us a  
14 reason why it does not. I would further say that I have no  
15 problem with the rules of evidence being enforced either way.  
16 That's why we're willing to do the redaction. I think the  
17 rules of evidence protect everybody.

18 THE COURT: Thank you. Let me just pause.

19 I'll let in this exhibit subject to the redaction of  
20 the top section. I believe the underlying section; namely, the  
21 first email in the thread, is being introduced not for the  
22 truth, but in order to show context for Mr. Rechnitz's later  
23 response.

24 MR. BELL: Thank you.

25 THE COURT: Thank you.



IBQKGRA2

Rechnitz - Direct

1 (In open court)

2 THE COURT: Thank you.

3 Counsel, I'm sorry for the interruption. You can  
4 proceed.

5 MR. BELL: Thank you, your Honor.

6 We would like to offer Government Exhibit 1022 as  
7 marked subject to the redaction of the text in the top field.

8 THE COURT: Thank you.

9 You can proceed.

10 I'm accepting 1022 subject to the redaction that we  
11 just discussed.

12 (Government's Exhibit 1022 received in evidence)

13 MR. BELL: Thank you very much.

14 Can we publish that to the jury.

15 BY MR. BELL:

16 Q. Now, Mr. Rechnitz, did there come a point where you  
17 arranged for VIP seating for the fireworks for some combination  
18 of the people you mentioned earlier?

19 A. Yes.

20 Q. How did you make that arrangement?

21 A. I had called Jeremy and put him in touch with Baruch.

22 Q. Why did you call Jeremy for that reason?

23 A. I discussed before, he was a detail man. He was the one  
24 with the relationship with the officers who could make that  
25 arrangement.

IBQKGRA2

Rechnitz - Direct

1 Q. So the bottom says: Baruch might get it done by Jona  
2 Rechnitz cc'd. Got it done and arranged VIP seating for the  
3 fireworks.

4 Which fireworks were these, by the way?

5 A. July 4th.

6 Q. You then say, up above: "You got it."

7 MR. BELL: Can we highlight that.

8 Q. Mr. Levine says: "Hi. It's Baruch. Just being in touch  
9 re this eve. No pressure if it's a problem."

10 Did you get back to Mr. Levine?

11 A. Did I put him in direct touch with Jeremy?

12 Q. And, to your understanding, was there VIP seating arranged  
13 for Mr. Levine?

14 A. Yes.

15 Q. After the 4th of July fireworks, did you speak to Jeremy  
16 about what, if anything, was arranged next?

17 A. Yes.

18 Q. And what, if anything, was arranged next for Mr. Levine?

19 A. From the fireworks show, he had a lights and sirens ride  
20 home from.

21 Q. In speaking to Mr. Reichberg, what was your understanding  
22 of how that lights and sirens escort had been arranged?

23 A. I don't remember.

24 MS. NECHELES: Objection to form.

25 THE COURT: Thank you.

IBQKGRA2

Rechnitz - Direct

1 Counsel, can you rephrase?

2 MR. BELL: That's fine.

3 BY MR. BELL:

4 Q. What was your understanding, in speaking to Mr. Reichberg,  
5 about how that lights and sirens ride had been arranged?

6 A. I do not know.

7 MR. BELL: You can take that down, Mr. Hamilton.

8 I want to put up on the screen now what's been marked  
9 for identification as Government Exhibit 308-F. This is a  
10 video. It may be easiest logistically, as we've done before,  
11 to simply offer this. I'm happy to remind defense counsel what  
12 it is.

13 MS. NECHELES: No objection, your Honor.

14 THE COURT: Thank you.

15 Counsel?

16 MR. MERINGOLO: No objection.

17 THE COURT: Good. Thank you.

18 I'm accepting into evidence Exhibit 308-F.

19 (Government's Exhibit 308-F received in evidence)

20 THE COURT: Counsel, can you please inquire about what  
21 the nature of the record is --

22 MR. BELL: Sure.

23 BY MR. BELL:

24 Q. Mr. Rechnitz, I believe that on the screen right now is an  
25 early frame of a video that I suspect you're familiar with.

IBQKGRA2

Rechnitz - Direct

1 But are you familiar with this video?

2 A. Yes.

3 Q. How are you familiar with it?

4 A. I'm a passenger in the vehicle, and I took the video.

5 Q. Do you recall, roughly, what the vehicle was doing at the  
6 time?

7 A. Driving with lights and sirens.

8 MR. BELL: So, with that, your Honor, the government  
9 would seek permission to publish 308-F.

10 THE COURT: You can proceed.

11 MR. BELL: Thank you.

12 Mr. Hamilton, can you go ahead and play the video.

13 (Video playback)

14 BY MR. BELL:

15 Q. So, Mr. Rechnitz, first of all, do you recall who was in  
16 the vehicle with you at the time?

17 A. Yes.

18 Q. Who?

19 A. Nussy Josephy.

20 Q. Anybody else?

21 A. I'm not sure.

22 Q. Do you recall, on this particular occasion, how Nussy  
23 Josephy got permission, to the extent that he did, to put his  
24 lights and sirens on?

25 A. Yes.

IBQKGRA2

Rechnitz - Direct

1 Q. How?

2 A. He had called Jeremy in the car, and Jeremy said that he  
3 has him covered, and he can turn them on.

4 Q. Now, I notice that there are other emergency vehicles in  
5 the -- visible over the course of the video. Did your vehicle  
6 have anything to do with them?

7 A. No.

8 Q. What actually happened that night?

9 A. Out of coincidence, there was an NYPD van in front of us  
10 with lights and sirens on going a similar route for a portion  
11 of the way.

12 Q. And so what did -- where, generally, was this, by the way?

13 A. Pardon?

14 Q. Where, generally, was this?

15 A. This was in Manhattan.

16 Q. When you came across the emergency vehicles who happened to  
17 be going the same way, what did you and Nussy do?

18 A. We began to follow them.

19 Q. Why?

20 A. It would be easier with traffic to have another car with  
21 us.

22 Q. Now, you mentioned the phrase "police escort" in connection  
23 with that ride as it was happening in the video. Were there  
24 occasions where you arranged actual police escorts involving  
25 actual police vehicles; that is to say, police personnel and

IBQKGRA2

Rechnitz - Direct

1 police vehicles getting you, Jeremy, or persons you two know  
2 from point A to point B?

3 A. Yes.

4 Q. Generally, how were those arrangements made, and what did  
5 they involve?

6 A. There are a couple of examples that come to mind. There  
7 was one time where my friend, Ari, his wife was on the way to  
8 go to the hospital, they were expecting a baby. I had called  
9 Jimmy Grant and -- with Jeremy, and they had arranged a private  
10 police escort for Ari to the hospital.

11 There was another time where a friend named Lin  
12 Snider, whose husband, Ed Snider, the late Ed Snider, who was a  
13 friend of mine from Philadelphia, was in town, and I had called  
14 Jeremy to make arrangements to give her a private escort, I  
15 think, to the airport. There were times where I wanted to go  
16 to the airport, I was tight on a flight after sabbath, and I  
17 had spoken to Jeremy, and he made arrangements with Jimmy and  
18 other people to take me in a police car with lights and sirens.

19 Q. Were there times when Mr. Grant personally escorted you  
20 places in his vehicle?

21 A. Yes.

22 Q. About how many times?

23 A. Less than a handful.

24 Q. What do you recall of those circumstances?

25 A. That he would be waiting at my home after sabbath, and take

IBQKGRA2

Rechnitz - Direct

1 me to the airport, and use lights and sirens.

2 Q. Were there times in which Mr. Grant arranged for other  
3 people to give you the same treatment?

4 A. Yes.

5 Q. And what do you recall of those?

6 A. He was unable to make it. He had a prior engagement. He'd  
7 send -- there was a guy he'd sent from his office -- from his  
8 precinct to drive me.

9 MR. MERINGOLO: I am going to object without the name  
10 or the time frame, Judge.

11 THE COURT: Thank you.

12 Overruled.

13 You can proceed.

14 BY MR. BELL:

15 Q. How about Michael Harrington, did Michael Harrington have a  
16 role in arranging escorts for you?

17 A. Yes.

18 Q. What role did Mr. Harrington have?

19 A. For example, for the Lin Snider escort, I remember Jeremy  
20 calling Michael Harrington and going through him.

21 Q. So let's step back from the specific matter of these  
22 escorts or the lights and sirens packages just for a moment.

23 The favors that you've described yesterday and last  
24 week, are those things you would have expected to receive had  
25 you not been supplying these officers with gifts during that

IBQKGRA2

Rechnitz - Direct

1 same period of time?

2 A. No.

3 Q. Would you have supplied those officers with those financial  
4 benefits had you not expected action on their part in return?

5 A. No.

6 Q. Was that the case for Mr. Harrington?

7 A. Yes.

8 Q. Mr. Banks?

9 A. Yes.

10 Q. Mr. Grant?

11 A. Yes.

12 Q. And the other officers that we've mentioned so far?

13 A. Yes.

14 Q. Now, for about how long did you have this relationship with  
15 Reichberg and certain members of the NYPD, from roughly when to  
16 roughly when?

17 A. From the time I met Reichberg, I think it was around 2008,  
18 until Banks resigned and the IAB got involved at some point in  
19 2015.

20 Q. Did you have a written understanding with any of the  
21 officers that you would give them financial benefits in  
22 exchange for their action as police?

23 A. No.

24 Q. Was there ever a direct spoken understanding between  
25 yourself and any of the officers that you would give them



IBQKGRA2

Rechnitz - Direct

1 financial benefits in exchange for actions as police?

2 A. No.

3 Q. Did you, nevertheless, believe that you had such an  
4 understanding with those officers?

5 A. Yes.

6 Q. What led you to believe that you had that understanding?

7 A. First of all, my communications with Jeremy all the time  
8 were we're going to do this, this -- I'll give you an example.  
9 Jimmy Grant wanted something --

10 MR. MERINGOLO: Objection.

11 THE COURT: Thank you.

12 You can answer the question.

13 THE WITNESS: For example, Jimmy Grant had wanted a  
14 hotel in Rome. I was in the car with Jeremy once when he had a  
15 phone call with Jeremy, he didn't know I was sitting there, and  
16 he said: Come on, I always take care of you guys, you owe it  
17 to me. You got to get Jona to pay for the hotel.

18 And Jeremy, afterwards, said to me: He's expecting  
19 it. You got to take care of it. He's been good to us. We owe  
20 it to him. So these types of conversations led me to believe  
21 that.

22 In addition, I saw results as to my giving gifts and  
23 getting favors in return.

24 Q. And what did those results tell you about the nature of the  
25 understanding that you and Jeremy had with these officers?

IBQKGRA2

Rechnitz - Direct

1 A. That we had this understanding where I would give gifts and  
2 we would get things in return.

3 Q. Did your confidence in that understanding change over time?

4 A. Can you rephrase the question? I'm not sure I understand  
5 it.

6 Q. Sure.

7 Did your -- well, withdrawn.

8 You testified a moment ago that this was something  
9 that appeared to be working. Was there ever a point where you  
10 doubted the understanding as you continued to give things out  
11 and as you continued to get favors?

12 A. No.

13 Q. With respect to Grant and Harrington in particular, were  
14 the way in which they approached the items that they were  
15 receiving -- withdrawn.

16 With respect to Grant and Harrington in particular,  
17 were the ways in which they dealt with you and Jeremy, as far  
18 as getting things was concerned, different?

19 A. Yes.

20 Q. How so?

21 A. Mike Harrington was very shy to accept a gift even when it  
22 was something we knew that he had wanted, something done to his  
23 home or a hotel stay in Chicago. He -- when I would bring it  
24 up to him, he would be like, no, it's okay, you don't need to  
25 do it, don't worry about it, whereas Jimmy would say thank you

IBQKGRA2

Rechnitz - Direct

1 very much.

2 Q. With respect to Mr. Harrington and Mr. Grant, to your  
3 understanding, which of them was more likely to actually ask  
4 for things of value from you?

5 A. Jimmy. There were things that Jeremy told me he  
6 specifically had asked for.

7 Q. Can you give me some examples of those?

8 A. Yes. To pay for some railing in his house, to pay for some  
9 window work in his house, to pay for a hotel stay in Rome, to  
10 come to Las Vegas for the Super Bowl, these were things that he  
11 had requested.

12 MR. BELL: Mr. Hamilton, can you put up on the  
13 witness' screen what has been marked as Government Exhibit  
14 1202.

15 Q. And, Mr. Rechnitz, I want you to look over this and just  
16 look up when you're done.

17 Are you familiar with this email, sir?

18 A. Yes, I am.

19 Q. How are you familiar with it?

20 A. It's an email that I had sent to Jimmy Grant and that he  
21 responded to me.

22 MR. BELL: Your Honor, the government offers  
23 Government Exhibit 1202.

24 MS. NECHELES: No objection.

25 MR. MERINGOLO: No objection.

IBQKGRA2

Rechnitz - Direct

1 THE COURT: Thank you.

2 I'm accepting 1202 into evidence.

3 You can proceed.

4 (Government's Exhibit 1202 received in evidence)

5 MR. BELL: Mr. Hamilton, can you please publish that  
6 to the jury.

7 BY MR. BELL:

8 Q. This is an exchange between James Grant at his msn.com  
9 address and yourself.

10 MR. BELL: And, Mr. Hamilton, if you could highlight  
11 the date as well, December the 7th, 2014.

12 Q. Now, let's start from the bottom. Mr. Rechnitz, you write:  
13 "Inspector, meet my cousin, Daniel Bye. Lives in the 19th  
14 Precinct. Anything he needs, please. Thanks a million. Enjoy  
15 your vacation."

16 So a couple of things. On that earlier email, was  
17 there another recipient?

18 A. Yes.

19 Q. Who was that?

20 A. Daniel.

21 Q. And for what purpose had you connected Mr. Grant and your  
22 cousin Daniel?

23 A. So that they know each other, that he lives in his  
24 community, if there's ever an issue, he can reach out directly.

25 Q. You make reference here to the 19th PCT. Is that, in fact,

IBQKGRA2

Rechnitz - Direct

1 precinct?

2 A. Yes.

3 Q. Mr. Grant then responds only to you, and Grant says:

4 "Anything for you, and I wish I was on vacation. Speaking of  
5 vacation...we are overdue."

6 Mr. Rechnitz, what did you understand "speaking of  
7 vacation...we are overdue" to mean?

8 A. That Jimmy had wanted me and Jeremy to take him somewhere  
9 on a trip.

10 Q. Now, at that point in time, by late 2014, December of 2014,  
11 had you previously taken Grant on vacations?

12 A. To the Super Bowl.

13 Q. Had you previously taken other officers on vacation that  
14 you were aware that Mr. Grant knew about?

15 A. Yes.

16 Q. What sorts of trips had you arranged that you were aware  
17 that Mr. Grant knew about?

18 A. I had several trips to the Dominican Republic that he had  
19 known about.

20 Q. By the way, Mr. Rechnitz, I'll note one of the few parts of  
21 this that isn't highlighted is the "Sent from my iPhone"  
22 immediately under "we are overdue." This may be, perhaps --

23 MS. NECHELES: Your Honor, could I have questions?

24 THE COURT: Thank you.

25 MS. NECHELES: Not speeches.

IBQKGRA2

Rechnitz - Direct

1 THE COURT: Counsel, you can proceed.

2 MR. BELL: Really?

3 THE COURT: Thank you.

4 What's your question?

5 BY MR. BELL:

6 Q. Do you see the "Sent from my iPhone" portion?

7 A. I do.

8 Q. What did you understand that to mean?

9 A. That it was an email sent from Jimmy's iPhone and not from  
10 his computer.

11 Q. I want to direct your attention to the "Sent from my  
12 iPhone" beneath your signature. What did you understand that  
13 to mean?

14 A. When I send an email from my iPhone, it automatically says  
15 that, as opposed to sending it from my office computer.

16 Q. Were those the two places from which you sent emails from  
17 this account at the time; that is to say, your office computer  
18 and your phone?

19 A. Yes.

20 Q. Where was your office computer located?

21 A. In my actual office.

22 Q. And so in instances in which your emails do not have sent  
23 from my iPhone on them, what is your understanding of what that  
24 means with respect to where they were sent from?

25 A. That they were sent from my office, from my desktop.

IBQKGRA2

Rechnitz - Direct

1 MR. BELL: One moment, please?

2 (Pause)

3 Q. We may have asked you this, but where was your office  
4 located at the time?

5 A. At 580 Fifth Avenue.

6 Q. Was that true continuously from 2008 to 2015?

7 A. No.

8 Q. Where else did you have an office for some portion of that?

9 A. Initially, I had an office at 725 Fifth Avenue, I then was  
10 at 580 Fifth Avenue, and then I was on 57th Street.

11 Q. Were all of these locations in Manhattan?

12 A. Yes.

13 MR. BELL: You can take that down, Mr. Hamilton.

14 Thank you.

15 Can we put up Government Exhibit 1207 for the witness,  
16 please.

17 Q. I'll ask you to give this one a look over, sir.

18 (Pause)

19 A. Okay.

20 MR. BELL: Is there a second page, Mr. Hamilton? Can  
21 we put that up for Mr. Rechnitz? Okay, good. Let's go back to  
22 the first page.

23 Q. Are you familiar with this email?

24 A. Yes, I am.

25 Q. How are you familiar with it?

IBQKGRA2

Rechnitz - Direct

1 A. It's from Jimmy Grant to me.

2 MR. BELL: Your Honor, the government offers  
3 Government Exhibit 1207.

4 MS. NECHELES: No objection.

5 MR. MERINGOLO: No objection.

6 THE COURT: Thank you.

7 I'm accepting 1207 into evidence.

8 You can proceed.

9 (Government's Exhibit 1207 received in evidence)

10 MR. BELL: Let's work our way from the bottom up, so  
11 can we focus on the bottom half, Mr. Hamilton. Perfect.

12 BY MR. BELL:

13 Q. So you email Mr. Grant, and you say: "Love ya. I hope all  
14 is well."

15 Mr. Grant replies: "All is well. I miss you. I was  
16 out to eat and ran into a few guys that live in your building."

17 This was around March 27th of 2015. I don't need your  
18 actual address, Mr. Rechnitz, but in what neighborhood did you  
19 live at the time?

20 A. Upper West Side of Manhattan.

21 Q. Was it a pretty tony part of the Upper West Side?

22 A. Yes.

23 Q. Mr. Rechnitz, you then respond: "Miss you too. Will catch  
24 up soon."

25 MR. BELL: Can we take that down.



IBQKGRA2

Rechnitz - Direct

1 Let's look at the top half, please.

2 BY MR. BELL:

3 Q. Mr. Grant then responds: "Jona, who's that billionaire  
4 that you got to donate money to your organization? He sold a  
5 pharmaceutical company."

6 And you respond: "Stewart Rahr."

7 Is that the same Stewart Rahr that you mentioned a few  
8 minutes ago?

9 A. Yes.

10 Q. And then Mr. Grant says: "Thanks."

11 Do you recall Mr. Grant ever mentioning Mr. Rahr to  
12 you again?

13 A. No.

14 Q. Did you have an understanding of why Mr. Grant would ask  
15 who Mr. Rahr was?

16 A. No.

17 MR. BELL: Let's take that down.

18 Q. By the way, you mentioned Mr. Harrington was relatively  
19 reluctant to accept gifts from you and Mr. Reichberg. Did he  
20 accept them anyway?

21 A. Yes.

22 Q. Now, are you familiar with something called PBA cards?

23 A. Yes, I am.

24 Q. And what are PBA cards?

25 A. PBA cards are plastic cards, the size of a business card,

IBQKGRA2

Rechnitz - Direct

1 issued by the Police Benevolent Association, which basically if  
2 you get these cards, which are usually handed out from  
3 high-level officers, they're supposed to serve as a  
4 get-out-of-a-ticket-free card if you get pulled over.

5 Q. During the time that you came to know Mr. Grant, did you  
6 receive PBA cards from him?

7 A. Yes, I did.

8 Q. Did you further receive items that would help you customize  
9 those cards?

10 A. Yes, I did.

11 Q. What sorts of things did you receive from Mr. Grant to that  
12 end?

13 A. He gave me a sheet of printed labels that were preprinted  
14 to put on the cards by Jimmy Grant.

15 Q. Did you make use of those cards?

16 A. Yes, I did.

17 Q. Did you also get cards that were customized with your name?

18 A. Yes.

19 Q. And how did you get those?

20 A. Initially, Jeremy had always asked me for lists of people I  
21 wanted to give cards to, and he would bring me printed cards.  
22 And the last year that I was involved with police officers, I  
23 had asked Mike Harrington directly and Jimmy Grant directly for  
24 the names to be printed.

25 MR. BELL: So, at this point, Mr. Hamilton, can we put

IBQKGRA2

Rechnitz - Direct

1 up for the witness Government Exhibit 1229.

2 BY MR. BELL:

3 Q. I want to focus your attention on the bottom email. Are  
4 you familiar with that email?

5 A. Yes.

6 Q. How are you familiar with that email?

7 A. It's an email that I sent to Jimmy Grant.

8 MR. BELL: Your Honor, the government offers  
9 Government Exhibit 1229.

10 MS. NECHELES: No objection.

11 MR. MERINGOLO: No objection.

12 THE COURT: Thank you.

13 I'm accepting Exhibit 1229 into evidence.

14 You can proceed.

15 (Government's Exhibit 1229 received in evidence)

16 MR. BELL: Can we publish that to the jury, please.

17 Q. So, beginning with the bottom email --

18 MR. BELL: You don't have to zoom in, Mr. Hamilton.

19 Q. -- this is an email from you to Mr. Grant dated  
20 December 3rd, 2013. The subject is "Cards - THS," thanks, with  
21 three exclamation points and a bunch of names.

22 What was the purpose of this email, Mr. Rechnitz?

23 A. To submit a list of names to Jimmy Grant for him to give me  
24 printed-out personalized PBA cards.

25 MR. BELL: I'll ask you, Mr. Hamilton, to underline --

IBQKGRA2

Rechnitz - Direct

1 or, rather, highlight a number of names here. Can you first  
2 highlight the three Schwebels.

3 BY MR. BELL:

4 Q. Who were the Schwebels, Mr. Rechnitz?

5 A. They're very close friends.

6 MR. BELL: Can you highlight Judah Wassner.

7 Q. Who was Mr. Wassner?

8 A. A close friend.

9 Q. Rachel Rechnitz?

10 A. My wife.

11 Q. Harry Skydell and Rachel Skydell, who are they?

12 A. Friends.

13 Q. Paul Raps?

14 A. Paul is who we discussed before. I used to share an office  
15 space with him.

16 Q. Guy Tanne?

17 A. That was a CFO for Paul Raps.

18 Q. Yaron Turgeman?

19 A. The owner of Taly Diamonds.

20 Q. Ilana Freider?

21 A. Paul Raps' personal assistant.

22 Q. And Murray Huberfeld?

23 A. Murray was a friend at the time who lived in the community.

24 Q. And why did you -- you mentioned that you sought to get  
25 these lists from Grant and Harrington in particular -- or

IBQKGRA2

Rechnitz - Direct

1 rather give these lists to Grant and Harrington in particular.  
2 Why those two?

3 A. These were the guys that Jeremy told me to get these cards  
4 done, personalized for us.

5 Q. Where did Grant and Harrington rank in your circle of cop  
6 friends around December of 2013?

7 A. Close contacts.

8 MR. BELL: Let's take that down.

9 Q. Now, Mr. Rechnitz, while you and Mr. Reichberg had this  
10 relationship with these NYPD officers, were you friendly with  
11 the officers that you were providing favors to?

12 A. Yes.

13 Q. What do you understand that term to mean, friendly?

14 A. I liked them. We enjoyed each other's company.

15 Q. Would you have considered any of them to be friends at the  
16 time?

17 A. Yes.

18 (Continued on next page)  
19  
20  
21  
22  
23  
24  
25

IBQTGRA3

Rechnitz - Direct

1 BY MR. BELL:

2 Q. Which of those officers would you have considered to be  
3 your friends?

4 A. Jimmy Grant, Phil Banks, Mike Harrington.

5 Q. You mentioned that you enjoyed their company, did they  
6 appear to enjoy yours?

7 A. Yes.

8 Q. Now would you have given them the same benefits and favors  
9 if you didn't expect police action in return?

10 A. Pardon?

11 Q. Would you have given these officers the same benefits and  
12 favors that you described to us at this point if you did not  
13 expect police action from them in return?

14 A. No.

15 Q. Why not?

16 A. Because I wouldn't have spent all that money and time. It  
17 was I had been giving something, I'm going to give something in  
18 return.

19 Q. At this point in your life, Mr. Rechnitz, did you have  
20 other friends who weren't high-level cops?

21 A. Yes.

22 Q. Were some of those friends closer to you than these  
23 high-level cops?

24 A. Yes.

25 Q. Did you lavish them with the same gifts?

IBQTGRA3

Rechnitz - Direct

1 A. No, I did not.

2 Q. Why not, even though they were closer to you?

3 A. Because I viewed business and friendship differently. Like  
4 I said, I was bestowing these types of gifts with the  
5 expectation of things in return.

6 Q. Now you mentioned at one point meals. I want to focus your  
7 attention on Michael Harrington and Philip Banks. What kinds  
8 of meals -- withdrawn.

9 What sort of pattern of providing meals did you engage  
10 with with Harrington and Banks between 2013 and 2014?

11 A. Me, Jeremy, Mike, and Phil went out on a weekly basis to a  
12 high end kosher steakhouse.

13 Q. Who paid, generally?

14 A. I did.

15 Q. Were there occasions when you didn't pay?

16 A. Yes.

17 Q. Who paid then?

18 A. Jeremy.

19 Q. To your knowledge, did Chief Banks ever pay for these  
20 meals?

21 A. No.

22 Q. Did Michael Harrington?

23 A. No.

24 Q. To your knowledge, did Banks ever offer to pay?

25 A. No.

IBQTGRA3

Rechnitz - Direct

1 Q. Did Harrington ever offer to pay?

2 A. No.

3 Q. Were there times where you took Jimmy Grant out for meals  
4 as well?

5 A. Yes.

6 Q. Were they nice?

7 A. Yes.

8 Q. Did Jeremy Grant ever offer to pay for those meals?

9 A. No.

10 Q. Did he ever in fact pay?

11 A. No.

12 Q. You mentioned having arranged and purchased travel for Phil  
13 Banks. Did Phil Banks ever return the favor?

14 A. No.

15 Q. You mentioned having arranged or purchased travel for  
16 Grant, like the Vegas trip and the Rome hotel arrangements, did  
17 Grant ever do the same for you?

18 A. No.

19 Q. Did he ever offer?

20 A. No.

21 Q. You mentioned monetary purchases, gifts that you gave to  
22 Harrington and Grant, jewelry, the home improvements, the toys  
23 and such, did they ever buy you expensive gifts?

24 A. No.

25 Q. Did they ever buy gifts for members of your family?



IBQTGRA3

Rechnitz - Direct

1 A. No.

2 Q. Did they ever inquire about the possibility of buying gifts  
3 for members of your family?

4 A. No.

5 Q. With respect to Phil Banks, I want to focus in on Banks  
6 here, did there come a time when Banks was involved in  
7 purchasing a gift for you?

8 A. Yes.

9 Q. When was that?

10 A. After the trip to Israel.

11 Q. What gift did he provide?

12 A. A backgammon set.

13 Q. To your knowledge, did he do that alone or with somebody?

14 A. With somebody.

15 Q. What was your understanding of why you received that gift?

16 A. As a thank you for the trip.

17 Q. To your understanding, which cost more, that gift or the  
18 trip that you provided Chief Banks with?

19 A. The trip.

20 Q. Other than that gift, that backgammon set, did Banks ever  
21 buy you expensive gifts?

22 A. No.

23 Q. Why were you willing to provide Banks, Harrington and Grant  
24 with all these expensive gifts?

25 A. Because I wanted to get things in return, which I had been.

IBQTGRA3

Rechnitz - Direct

1 Q. You mentioned there were occasions when Reichberg paid for  
2 meals. Under what circumstance would Reichberg pay for meals?

3 A. If I wasn't around or if I left the meal early.

4 Q. About how often would you say that happened over the time  
5 period we talked about?

6 A. Not often.

7 Q. Ballpark estimate, Mr. Rechnitz, about how much would you  
8 say you spent on Jimmy Grant specifically between 2008 and  
9 2016?

10 MR. MERINGOLO: Objection to ballpark.

11 THE COURT: Thank you. You can proceed.

12 Q. Ballpark estimate, Mr. Rechnitz, about how much would you  
13 say you spent on Jimmy Grant over that period of years?

14 A. Tens of thousands of dollars.

15 Q. Did you and Mr. Reichberg have a written agreement between  
16 and among just yourselves concerning what it was that you were  
17 doing with these officers?

18 A. No.

19 Q. Did you nevertheless understand that you and Mr. Reichberg  
20 had the same objective with respect to being able to call the  
21 officers for official action as the need came up?

22 A. Yes.

23 Q. How did you know that you and Mr. Reichberg had that shared  
24 understanding?

25 A. We discussed it many times.

IBQTGRA3

Rechnitz - Direct

1 Q. Mr. Rechnitz, with respect to the scheme that you've  
2 described -- withdrawn.

3 At some point in your testimony last week before we  
4 broke you mentioned the term "team player." What did the term  
5 "team player" mean in the context of your discussions with  
6 Mr. Reichberg over this period of time?

7 A. Somebody who we can bribe, somebody who was willing to play  
8 ball and give us things in return.

9 Q. When you and Jeremy spoke to each other, who in particular  
10 do you recall referring to as team players?

11 A. Jimmy Grant was a team player, Michael Harrington was a  
12 team player.

13 Q. Were there occasions where you and Jeremy described  
14 officers as being not team players?

15 A. Yes.

16 Q. Can you give me an example of officers who you and  
17 Mr. Reichberg discussed as not being team players?

18 A. Yes, there was a chief named Jimmy Secreto, James Secreto,  
19 who Jeremy would call up and say hey, we're in the  
20 neighborhood, could we come by, do lunch, or invite him to  
21 places, and every time he would get out of it and say no.

22 Q. And what happened with your relationship with Mr. Secreto  
23 as a result of his not being a team player?

24 A. If we would bump into him at an event, it was cordial, that  
25 was about it.

IBQTGRA3

Rechnitz - Direct

1 Q. During this period of years, did you and Mr. Reichberg  
2 invite police officers to certain family events?

3 A. Yes.

4 Q. And so let's start with you. What sorts of family events  
5 did you invite these officers to?

6 A. When my son was born, my son Benjamin, we had a bris, a  
7 circumcision ceremony, and we invited a lot of our police  
8 relationships as well as politicians.

9 Q. What was the purpose of inviting these police and  
10 politicians to your son's bris?

11 A. First of all, it was -- I remember Jeremy saying it's  
12 respectful if they were there. I thought it was also good for  
13 me and Jeremy to show the clout and power that we have in the  
14 city.

15 Q. When the officers came to your son's bris, how did they  
16 come dressed?

17 A. Many came in uniform.

18 Q. And what, if anything, went into getting the officers to  
19 come in uniform?

20 A. I remember Jeremy being insistent that Phil Banks would  
21 come in uniform, he thought that would be a sign of respect,  
22 and it would be a good look for us.

23 Q. Were there family events of Mr. Reichberg's that you  
24 remember these officers coming to?

25 A. Yes.

IBQTGRA3

Rechnitz - Direct

1 Q. Can you give me an example of such a family event?

2 A. His daughter's wedding, as well as a party he had for the  
3 purim holiday.

4 Q. With respect to the purim party, who would get invited to  
5 the purim party?

6 A. Sometimes a politician as well as officers that we were  
7 close to or officers that Jeremy had been dealing with at a  
8 higher level.

9 Q. And from speaking to Mr. Reichberg, what was the purpose of  
10 inviting these officers and politicians to purim parties?

11 A. To have them in his home, and again, be able to have  
12 everybody see each other there.

13 MR. BELL: Your Honor, just so I can plan here, is  
14 there a particular point at which your Honor would want to take  
15 our break?

16 THE COURT: Thank you, yes, I would like to stop  
17 around 11:30.

18 MR. BELL: Excellent. Thank you, your Honor.

19 Q. Let's pause for a moment. Mr. Rechnitz, you mentioned  
20 during your testimony last week that in addition to the bribes  
21 to police officers you were involved in other conduct that made  
22 you guilty of honest services fraud conspiracy. I want to turn  
23 to that now.

24 You mentioned committing a crime involving Norman  
25 Seabrook. What was that crime?

IBQTGRA3

Rechnitz - Direct

1 A. I helped to facilitate a bribe between a hedge fund manager  
2 and Norman Seabrook.

3 Q. And who was the hedge fund manager?

4 A. Murray Huberfeld.

5 Q. Just to be clear, who was Norman Seabrook at that time?

6 A. He was the president of the Correction Officers Benevolent  
7 Association.

8 Q. How did you come to know Mr. Seabrook?

9 A. I had met him through -- with Jeremy through Phil Banks.

10 Q. And who was Huberfeld to you?

11 A. He was a man from the community who I was friends with.

12 Q. How long had you known Mr. Huberfeld?

13 A. I really had only known him a few years, but I had known  
14 him since I was a child. Our families knew each other.

15 Q. What was your understanding of -- well, withdrawn.

16 So what was the nature of the bribe arrangement that  
17 you alluded to? What was it that you actually set up?

18 A. I set up the two parties together, Murray and Norman.

19 Norman had invested tens of millions of dollars of the union's  
20 money into the hedge fund, and in return, Murray had paid him a  
21 kickback of \$60,000, which I helped pass messages along to each  
22 other, and I actually went physically on Murray's behalf and  
23 handed Norman the money.

24 Q. Why did you involve yourself and help to facilitate this  
25 bribe arrangement, Mr. Rechnitz?

IBQTGRA3

Rechnitz - Direct

1 A. To curry favor in Murray's eyes and in Norman's eyes to  
2 help them out and be a big shot.

3 Q. Let's break that down. Why did you want to curry favor in  
4 Norman Seabrook's eyes?

5 A. He was the head of one of the most powerful unions in the  
6 city. Jeremy and I saw a lot of benefit in getting close to  
7 him because he was so close to Philip Banks. We thought he was  
8 a powerful man, and eventually this sort of relationship could  
9 be another thing on our checklist.

10 Q. And why did you want to curry favor with Murray Huberfeld?

11 A. He was an influential man in our community. He was a big  
12 shot in the community. I had other business with him. He was  
13 a wealthy man. And I also thought that would be a good idea.

14 Q. Were you paid for your part in that bribe arrangement?

15 A. No, I was not.

16 Q. Did money change hands on your behalf as part of that bribe  
17 arrangement?

18 A. Yes.

19 Q. So what is it that actually happened?

20 A. As a result of the introduction in the business, Murray had  
21 cut checks to charities that I directed him to for the  
22 charity's benefit.

23 Q. And did money change hands on anyone else's behalf that  
24 you're aware of as a result of this arrangement?

25 A. Yes.

IBQTGRA3

Rechnitz - Direct

1 Q. Whose?

2 A. Jeremy Reichberg.

3 Q. How did that come to be?

4 A. Like I said, Jeremy and I were partners in all the  
5 relationships that I introduced him to with police. One of the  
6 police was Norman Seabrook. So Jeremy was to get a fee as well  
7 from Murray.

8 Q. Now did Mr. Reichberg have a relationship with  
9 Mr. Huberfeld?

10 A. Yes.

11 Q. Did Mr. Reichberg help you maintain the relationship with  
12 Mr. Seabrook?

13 A. Yes.

14 Q. In what ways did Mr. Reichberg help you maintain your  
15 relationship with Mr. Seabrook?

16 A. He was involved with Mr. Seabrook just like I was, with the  
17 exception that this particular investment we were traveling  
18 together, having meals together. They were speaking. I was  
19 speaking to Norman, Jeremy was talking to Norman. We would  
20 hang out frequently.

21 MR. BELL: I want to put up on the screen, just on the  
22 witness's screen, what's been marked for identification as  
23 Government Exhibit 1047.

24 Q. And Mr. Rechnitz, are you familiar with this email?

25 A. Yes, I am.



IBQTGRA3

Rechnitz - Direct

1 Q. How are you familiar with this email?

2 A. I am on the email and I sent it to Jeremy.

3 MR. BELL: Your Honor, the government offers  
4 Government Exhibit 1047.

5 MS. NECHELES: No objection.

6 MR. MERINGOLO: No objection.

7 THE COURT: Thank you. I'm accepting 1047. Received.  
8 (Government's Exhibit 1047 received in evidence)

9 MR. BELL: Thank you. Could you publish that for the  
10 witness, please -- rather to the jury.

11 Thank you.

12 BY MR. BELL:

13 Q. So at the very top you forward this email to Jeremy  
14 Reichberg's gmail account on January 17, 2014.

15 And we'll come back to the top part in a little bit,  
16 but generally speaking, are you familiar with why you forwarded  
17 this email to Mr. Reichberg?

18 A. Yes.

19 Q. Why is that?

20 A. Like I said, Jeremy was a partner in this and he was to be  
21 getting a fee out of this, and I wanted to show him that Norman  
22 had just committed to investing 7 to \$10 million with the hedge  
23 fund.

24 Q. So why don't we go down to the very bottom of the page,  
25 there's an email from Andrew Kaplan. Do you have an

IBQTGRA3

Rechnitz - Direct

1 understanding of who Andrew Kaplan was?

2 A. Yes.

3 Q. Who was he?

4 A. He worked for Platinum Partners and he was the person  
5 involved in the investment.

6 Q. And what was Platinum Partners?

7 A. It was a hedge fund.

8 Q. Was that the same hedge fund that you mentioned as being  
9 affiliated with Mr. Huberfeld?

10 A. Yes.

11 Q. So that email says: Just got off the phone with Tommy.  
12 Issuing docs for Correction Officers Benevolent Association  
13 pension for PPVA. Indication of 7 to 10 million to start.  
14 Trying for Feb 1 but may be March 1. Depends on how quickly  
15 their lawyers turn the docs. Shabbat Shalom.

16 What did you understand all of that to mean,  
17 Mr. Rechnitz?

18 A. That Norman had given the green line to invest 7 to \$10  
19 million to the hedge fund.

20 Q. There's a further forwarding to someone at Platinum LP  
21 named Uri Landesman that says mazeltov.

22 If we go further up, Murray Huberfeld then forwards  
23 that email to you.

24 And then you, if we can go further up, forward it to  
25 Jeremy Reichberg, and there is a word there, Rojeeeee,

IBQTGRA3

Rechnitz - Direct

1 R-O-J-E-E-E-E with three exclamation points. What does that  
2 mean, Mr. Rechnitz?

3 A. It was a term of excitement, like yipee.

4 Q. Why did you want to communicate excitement to Jeremy  
5 Reichberg regarding COBA having decided to investment in  
6 Platinum Partners?

7 A. Because he and I were to be making money on this.

8 MR. BELL: We can take that down, Mr. Hamilton. Thank  
9 you.

10 Q. Now Mr. Rechnitz, to what degree did attempts to curry  
11 favor with Mr. Seabrook, Mr. Huberfeld, and these cops relate  
12 to a broader plan?

13 A. They did relate to a broader plan. The broader plan was to  
14 get in with the cops, get in with the politicians. And as  
15 Jeremy said many times: In the days of Giuliani, people made  
16 millions of dollars. My plan was to financially benefit from  
17 all of this.

18 Q. Did there come a point when you started getting involved  
19 with politicians?

20 A. Yes.

21 Q. Approximately when?

22 A. During the democratic primary for mayor, I think it was  
23 2013.

24 Q. And directing your attention to that time, whom did you and  
25 Mr. Reichberg try to get close to?

IBQTGRA3

Rechnitz - Direct

1 A. Bill Thompson.

2 Q. Who was Mr. Thompson?

3 A. He was a candidate for mayor of the City of New York.

4 Q. Did you come to meet Mr. Thompson?

5 A. Yes, we did.

6 Q. How did you come to meet Mr. Thompson?

7 A. A fellow by the name of Fernando Mateo had introduced us to  
8 him.

9 Q. Who was Mr. Mateo?

10 A. Fernando was the owner of a cafe called La Marina, as well  
11 as the former or current president of the taxi -- Hispanic taxi  
12 limousine commission.

13 Q. And how was it that you came to get in touch with  
14 Mr. Thompson?

15 A. Fernando put us in touch and made an introductory meeting  
16 in my office.

17 Q. Did you assist Mr. Thompson's campaign?

18 A. Yes.

19 Q. In what ways?

20 A. We bundled a large amount of money, somewhere between 50 to  
21 \$100,000, in addition to me personally and my wife contributing  
22 the maximum amount allowed.

23 Q. What does "bundling" mean in the context of alleged  
24 fundraising?

25 A. When you go to friends and family or associates and ask

IBQTGRA3

Rechnitz - Direct

1     them to donate to the candidate, and you get the credit for it,  
2     because you delivered the checks to candidate.

3     Q.   And what was the point of your and Jeremy's getting  
4     involved with Bill Thompson?

5     A.   Again, if he would have been mayor of New York we would  
6     have had an in with the mayor, and that would have been more  
7     access and power for us.

8     Q.   How did that Thompson campaign work out?

9     A.   Not great.

10    Q.   Did Mr. Thompson -- what happened to Mr. Thompson in the  
11    primary?

12    A.   He lost to Bill de Blasio.

13    Q.   What, if anything, did you and Mr. Reichberg do after  
14    Thompson's loss to Bill de Blasio?

15    A.   We got in with Bill de Blasio.

16    Q.   How did you get in with Bill de Blasio?

17    A.   Fernando came in and told us that he had an in to de Blasio  
18    through his chief fundraiser, named Ross Offinger, and that he  
19    could set up a meeting for us, and that even though we had not  
20    been backing him from the beginning, we would be treated as if  
21    we were.

22           MR. BELL:  Before we get to Bill de Blasio, I ask,  
23    Mr. Hamilton, for you to put up for the witness, and maybe side  
24    by side, Government Exhibits 618 and 617.

25           So is it possible to zoom in on each of those?

IBQTGRA3

Rechnitz - Direct

1 Thank you.

2 Q. Mr. Rechnitz, are you familiar with these images?

3 A. Yes, I am.

4 Q. How are you familiar with these?

5 A. These are photos taken at Jeremy Reichberg's home at purim.

6 MR. BELL: Your Honor, the government offers 617 and  
7 618 into evidence.

8 MS. NECHELES: No objection.

9 MR. MERINGOLO: No objection.

10 THE COURT: Thank you. I'm receiving 617 and 618 into  
11 evidence.

12 (Government's Exhibits 617 and 618 received in  
13 evidence)

14 THE COURT: Proceed.

15 MR. BELL: Could we publish them both.

16 Q. So where is this, Mr. Rechnitz?

17 A. This is in Jeremy Reichberg's residence.

18 Q. And so why don't we start with the photograph on the left,  
19 there's a line of people there. Are you familiar with that  
20 line of people?

21 A. Yes, I am.

22 Q. Can you tell us who we're looking at from left to right?

23 A. Sure, Jeremy Reichberg, Bill Thompson, Andrew Capula,  
24 that's a picture of me on purim dressed up, Michael Harrington  
25 and Eric Rodriguez.

IBQTGRA3

Rechnitz - Direct

1 Q. And the picture on the right, do you see some of those same  
2 individuals at the same party?

3 A. Yes.

4 MR. BELL: Let's take that down.

5 Q. Now did you come to meet with Mr. Offinger at Mr. Mateo's  
6 behest?

7 A. Yes.

8 Q. And were you able to develop a relationship with  
9 Mr. Offinger?

10 A. Yes, I was.

11 Q. After that meeting, did you go on to raise money for Mr. de  
12 Blasio?

13 A. Yes.

14 Q. Did you do so alone or with people?

15 A. With Jeremy.

16 Q. And what did you and Mr. Reichberg do for Mr. de Blasio's  
17 campaign over the remainder of the campaign?

18 A. In addition to donating the maximum allowed, my wife and I,  
19 we collected and bundled for him -- I think it was \$100,000.

20 MR. BELL: And actually, your Honor, this might be a  
21 logical place to take that break, unless you want to extend.

22 THE COURT: That's fine. So ladies and gentlemen,  
23 we'll take our lunch recess now. Please during this break, as  
24 always, please don't discuss the case amongst yourselves, don't  
25 communicate with anyone else, and don't do any research about

IBQTGRA3

Rechnitz - Direct

1 the case or anything involved in it. I look forward to seeing  
2 you back here shortly. Thank you.

3 (Jury not present)

4 THE COURT: Could I see you briefly at the sidebar.

5 (At sidebar)

6 THE COURT: So last week we talked about whether or  
7 not there's a protocol that we could or should use with respect  
8 to Mr. Rechnitz. There is a room that I identified for  
9 Mr. Daniels that Mr. Rechnitz can use. It's not the robing  
10 room, but I would be happy to allow Mr. Rechnitz to use that  
11 space if that's still the government's preference.

12 MR. BELL: It is, and we ask for Mr. Rechnitz to be  
13 allowed to eat there, for the FBI to be able to bring him some  
14 food. And I think his counsel is here as well. I think he  
15 would like to eat with him.

16 THE COURT: That's fine from my perspective.

17 Any other concerns?

18 MR. MERINGOLO: We of no objection until  
19 cross-examination about that.

20 THE COURT: Fine. Thank you. So I will let  
21 Mr. Rechnitz go to that space. Mr. Daniels will show it to  
22 him. It's not, using the words of the trial, posh.

23 MR. BELL: Or Tony.

24 THE COURT: Or Tony. So I will thank you all, and I  
25 will allow Mr. Rechnitz to use that space.



IBQTGRA3

Rechnitz - Direct

1 MR. BELL: Thank you, Judge.

2 (In open court)

3 THE COURT: Mr. Rechnitz, you can step down.

4 Mr. Daniels can escort you to a witness room.

5 Counsel, anything else we should take up before our  
6 break? Counsel for the United States, you appear to be making  
7 good progress. What's your view?

8 MR. BELL: I think we are, your Honor, but there's a  
9 lot to talk about. I think there is some chance that we finish  
10 direct today, but think it's probably not a likely scenario. I  
11 think we'll come close if we go to 3:30, but yes, we are making  
12 good progress.

13 THE COURT: Counsel for Mr. Reichberg, anything that  
14 you would like to raise before we take our lunch recess?

15 MS. NECHELES: No, your Honor.

16 THE COURT: Counsel for Mr. Grant?

17 MR. MERINGOLO: No, your Honor.

18 THE COURT: Good. Let's plan on starting with the  
19 jury at noon. Thanks very much.

20 (Luncheon recess taken)

21 (Continued on next page)

IBQKGRA4

Rechnitz - Direct

1 AFTERNOON SESSION

2 12:08 PM

3 (Trial resumed; in open court; jury not present)

4 THE COURT: Thank you. You can be seated.

5 Counsel, are you ready to proceed? If so, I'll ask  
6 for Mr. Rechnitz to be brought in.

7 MR. BELL: We are, your Honor.

8 THE COURT: Good. Thank you.

9 Mr. Daniels is going to bring in Mr. Rechnitz, and  
10 then he will bring in the jury immediately thereafter.

11 MS. NECHELES: Your Honor, can we approach for one  
12 minute?

13 THE COURT: Yes. The jury is about to come out.

14 MS. NECHELES: It can be off the record. It's just a  
15 very personal type thing.

16 THE COURT: Thank you.

17 Please come on up. I understand this is a personal  
18 issue. I will accept that proffer, counsel.

19 (At the sidebar; discussion off the record)

20 (Continued on next page)

IBQKGRA4

Rechnitz - Direct

1 (Jury present)

2 THE COURT: Thank you, ladies and gentlemen. You can  
3 be seated.

4 Welcome back from our break, ladies and gentlemen of  
5 the jury.

6 Counsel for the United States, you can continue.

7 MR. BELL: Thank you, your Honor.

8 JONA RECHNITZ, resumed.

9 DIRECT EXAMINATION CONTINUED

10 BY MR. BELL:

11 Q. Mr. Rechnitz, good afternoon.

12 A. Good afternoon.

13 Q. Just before the break, I'd asked you about contacts that  
14 you and Mr. Reichberg established with then Candidate DeBlasio.  
15 I want to return to that.

16 You mentioned meeting an individual named  
17 Mr. Offinger. Who did you understand Ross Offinger to be?

18 A. The chief fundraiser for Bill de Blasio.

19 Q. Who introduced you to him?

20 A. Fernando Mateo.

21 Q. At the time that you met Mr. Offinger, did you make certain  
22 commitments to the de Blasio campaign?

23 A. Yes.

24 Q. And what do you recall committing?

25 A. We said that we will raise \$100,000 initially.

IBQKGRA4

Rechnitz - Direct

1 Q. Was Mr. Offinger's response to this positive?

2 A. Very.

3 Q. At the time that you met with Mr. Offinger, first of all,  
4 was there an initial meeting?

5 A. There was.

6 Q. Who was present for that meeting?

7 A. Jeremy, Ross, and me. I'm sorry, Jeremy, Ross Fernando,  
8 and me.

9 Q. At the time that you, Jeremy, and Fernando met with  
10 Mr. Offinger, what did you discuss?

11 A. That we were going to become heavy donors, but we wanted  
12 access, we wanted influence, and we wanted a lot of access.  
13 When we called, we wanted results. We didn't want to be like  
14 everyone else.

15 Q. Did you indicate to Mr. Offinger what kinds of results you  
16 wanted as a result of your donorship?

17 A. Favorable results is what we were calling for.

18 Q. When you say "favorable," from whom or in what context?

19 A. Different departments in the city that we would be reaching  
20 out to Ross about and from the mayor, his office.

21 Q. What, if anything, did you say to Mr. Offinger about the  
22 connection between the results that you expected and the  
23 fundraising that you were going to do?

24 A. That we would only be donating these funds and getting  
25 involved if we were treated that way.

IBQKGRA4

Rechnitz - Direct

1 Q. What, if anything, was Mr. Offinger's response?

2 A. He was part of the plan. He was fine.

3 Q. Now, at the time that that meeting happened, just to be  
4 clear, was Mr. de Blasio himself present in the room?

5 A. No, he was not.

6 Q. Did there come a point over the course of the remainder of  
7 the campaign where you came to know Mr. de Blasio?

8 A. Yes.

9 Q. What kinds of communications did you have with  
10 Mr. de Blasio?

11 A. We had an initial meeting in my office, and we had a very,  
12 I'd say, close relationship. We were emailing each other, we  
13 would have phone calls, I'd call him about just general issues  
14 in the city, and we had emails going back and forth with one  
15 another.

16 Q. How did you get -- sorry. How did you get Mr. de Blasio's  
17 email address?

18 A. He gave it to me on a business card. He gave me his  
19 private email address.

20 Q. How did you get Mr. de Blasio's phone number?

21 A. He gave it to me as well, his cell phone number.

22 Q. Now, did de Blasio actually ask you for money over the  
23 course of the remainder of the campaign?

24 A. Throughout the campaign, he did not.

25 Q. And did Mr. de Blasio actually discuss with you the

IBQKGRA4

Rechnitz - Direct

1 possibility of you, Mr. Reichberg, or Mr. Mateo getting results  
2 of the sort that you described?

3 A. When we had asked him about committees we wanted to be put  
4 on and other things, he was for that, but we never spoke about  
5 actual results through his office.

6 Q. So after the election -- first off, how did the election  
7 work out for Mr. de Blasio?

8 A. He won.

9 Q. Were you and Mr. Reichberg excited about that?

10 A. Yes, very much so.

11 Q. Why?

12 A. Because we were very substantial donors to that point, we  
13 had an in with his chief fundraiser, and we had our own  
14 relationship with Bill de Blasio at that point.

15 Q. Did you and Mr. Reichberg get appointed to any of the  
16 committees or things of that sort that you had discussed with  
17 Mr. de Blasio?

18 A. Yes.

19 Q. Tell us about that.

20 A. He had an inaugural committee, I believe it was, that we  
21 were appointed to. I recall having a meeting in the Kramer  
22 Levin offices, which is where the meeting was held, where Bill  
23 de Blasio addressed the crowd of all members of that committee.

24 Q. Once Mr. de Blasio became the mayor, did you have  
25 continuing conversations with Mr. Offinger about the

IBQKGRA4

Rechnitz - Direct

1 arrangement that you had described discussing in that first  
2 meeting?

3 A. Yes.

4 Q. Did Mr. Offinger ask you, on Mr. de Blasio's behalf, for  
5 other financial contributions?

6 A. Yes, he did.

7 Q. For what?

8 A. He asked for financial assistance with a project called the  
9 Campaign for One New York.

10 Q. What did you understand that to be, sir?

11 A. Some sort of program to keep kids off the street. For  
12 afterschool programs where they would have to rent space in  
13 other schools and buildings for afterschool programming.

14 Q. Did Mr. Offinger get in touch regarding financial  
15 contributions to any other causes?

16 A. Yes.

17 Q. What other causes?

18 A. He had asked me to donate to keep senate in democratic  
19 control.

20 Q. Did you, in fact, donate to the Campaign for One New York?

21 A. Yes, I did.

22 Q. Did you, in fact, donate to the senate democrats?

23 A. Yes, I did.

24 Q. How much did you donate to each of those, do you recall?

25 A. I gave \$50,000 to the Campaign for One New York and

IBQKGRA4

Rechnitz - Direct

1 \$102,000 for the democratic control of the senate.

2 Q. Now, did you have direct contact with Mr. de Blasio about  
3 either of those?

4 A. Yes, I did.

5 Q. What was the extent of the contact that you had with  
6 Mr. de Blasio?

7 A. I had been complaining to Ross that I was not seeing proper  
8 communication results when Jeremy and I were reaching out, and  
9 if the mayor really wanted the money for the democratic race,  
10 he should pick up the phone, and call me, and ask me himself.  
11 Ross arranged that, and he told me the mayor would be calling  
12 me in a few minutes, and the mayor called me in my office, and  
13 I spoke to him, and he had said that it was very important work  
14 and very personal to him.

15 I asked him what the maximum amount of money I was  
16 allowed to give, and it came out on the call, I think it was  
17 102,000. I had originally planned on giving less, but once the  
18 mayor asked, I wanted to have the effect that I'm his guy, and  
19 I said, okay, I'm giving you 102,000.

20 Q. Now, you mentioned that prior to that call, you had  
21 complained to Mr. Offinger about not getting certain things  
22 done. Did you discuss those things with Mayor de Blasio --

23 A. No.

24 Q. -- during that call?

25 A. No.



IBQKGRA4

Rechnitz - Direct

1 Q. Did you ever discuss those things with Mayor de Blasio?

2 A. No, I did not.

3 Q. Outside of that occasion when Mr. de Blasio personally  
4 asked you to donate to the senate democrats, did Mr. de Blasio  
5 personally ask you for money after being elected?

6 A. No, he did not.

7 Q. Now, with respect to things that you and Mr. Reichberg  
8 wanted done, did you continue to discuss those things with  
9 Mr. Offinger after the mayor was elected?

10 A. Yes, we did.

11 Q. Well, what sorts of things did you discuss with  
12 Mr. Offinger?

13 A. A lot of different private matters. I can list a few.

14 Q. Sure.

15 A. My wife's cousin had a school in the East Side of New York,  
16 she ran a preschool, and she received a letter before the  
17 school year was expiring that she would have to vacate that  
18 space. I spoke to Jeremy about it. He took care of the  
19 details, he spoke to Ross, and I put Jeremy in touch with my  
20 wife's cousin, and he fixed that issue, and she was able to  
21 stay there for the remainder of the school year.

22 There was another example where I had a friend who  
23 owned a building on Ocean Parkway, and it was previously  
24 identified by a police precinct as a potential location for a  
25 precinct, and there's some sort of law in the city that if you

IBQKGRA4

Rechnitz - Direct

1 own a build that you want to sell to somebody, but the police  
2 department wants it, they get a first right. So he wanted to  
3 know -- the landlord wanted to know if the police were  
4 interested in it or not, so they would not lose their potential  
5 purchase. Again, we dealt with Ross. He put us in touch with  
6 different departments to get an answer to that question.

7 I have a friend who I put in touch with Jeremy. He  
8 had a property in, I believe it was, Sunset Park, Brooklyn,  
9 where there are outrageous water bills, and Jeremy spoke to  
10 Ross about it, and worked with the city, and got the bill  
11 lowered.

12 I had a --

13 Q. Who was that friend?

14 A. 601 West Companies is the name of the company.

15 Q. Was there a person attached to that company?

16 A. Harry Skydell.

17 Q. Please continue with your list.

18 A. There was a -- I have a building on Madison Avenue where I  
19 had a problem with the tenants with Airbnb. Basically the  
20 tenant had a lease in my property, but he was renting his  
21 apartment out to strangers coming in and out of the building  
22 through Airbnb, and I was getting violations even though he was  
23 the one renting it out. I spoke to Ross, I said it wasn't  
24 fair, and that we needed to do something about this. And he  
25 put me in touch with different people within the City of New

IBQKGRA4

Rechnitz - Direct

1 York.

2 Q. Now, did you understand Mr. Ross Offinger to have a  
3 position with the City of New York at the time?

4 A. I understood him to be the fundraiser for Bill de Blasio.

5 Q. Now, you mentioned a number of things that you did at  
6 Mr. Offinger's behest for Mr. de Blasio and for causes that  
7 Mr. de Blasio favored. Did you also do things for Mr. Offinger  
8 personally?

9 A. Yes, I did.

10 Q. And what sorts of things did you do for Mr. Offinger  
11 personally?

12 A. First of all, I took on some meetings with friends of his  
13 who were trying to raise money for some of their business  
14 ideas. I did that as a favor for him. I also paid for his  
15 hotel stay at a hotel in the Dominican Republic when he went  
16 with his wife.

17 Q. By the way, while you and Mr. Reichberg were fundraising  
18 for the de Blasio campaign, did you, Mr. Rechnitz, engage in  
19 any violations of election law?

20 A. Yes.

21 Q. What were those?

22 A. It's called straw donors. The way the law works is anybody  
23 I approach to give donations for a campaign, the money is  
24 supposed to come from them, not from me. And I illegally  
25 reimbursed people who laid money out that they didn't want to

IBQKGRA4

Rechnitz - Direct

1 give, so that I can bundle enough money for the mayor.

2 Q. Now, to your knowledge, was either Mr. Reichberg or  
3 Mr. Offinger aware of this straw donation activity?

4 A. Yes.

5 Q. Let's start with Mr. Reichberg. How do you know that he  
6 was aware?

7 A. I discussed all these things with him. We were sort -- we  
8 were brainstorming names of people we should go to where I  
9 wouldn't have to lay out the money in addition to the ones that  
10 I told him and we discussed I'd be laying money out for, and we  
11 were part of it together.

12 Q. How did you know that Mr. Offinger was aware of the straw  
13 donations that you have discussed?

14 A. He was in my office, and he came to collect checks -- he  
15 was very aggressive with check collecting -- and I told him I  
16 didn't have them all in, and he told me there's a deadline. I  
17 said, okay, I'll go to a few people in my office, I'll get  
18 checks now, you know, I'm going to give it to them. He got red  
19 in the face, and he said, I can't hear that, just bring me the  
20 checks.

21 Q. Was anyone else present for that particular exchange  
22 between yourself and Mr. Offinger?

23 A. I'm not sure if anyone else was in the room.

24 MR. BELL: Now, I'd like for you, Mr. Hamilton, if you  
25 can, to publish just for the witness what's been marked for

IBQKGRA4

Rechnitz - Direct

1 identification as Government Exhibit 614.

2 BY MR. BELL:

3 Q. Mr. Rechnitz, are you familiar with this image, sir?

4 A. Yes.

5 Q. How are you familiar with it?

6 A. It's a picture of in my office with me, Jeremy, and Bill  
7 de Blasio.

8 Q. Approximately when was this picture taken?

9 A. This was the first time that we met Bill in my office.

10 MR. BELL: The government offers 614.

11 MS. NECHELES: No objection.

12 MR. MERINGOLO: No objection.

13 THE COURT: Thank you.

14 I'm accepting into evidence 614.

15 (Government's Exhibit 614 received in evidence)

16 THE COURT: Counsel.

17 MR. BELL: Can we please publish that to the jury?

18 And let's take that down. Thank you, Mr. Hamilton.

19 Can we put up, just for the witness, Government  
20 Exhibit 608.

21 BY MR. BELL:

22 Q. Mr. Rechnitz, are you familiar with this picture?

23 A. Yes, I am.

24 Q. You're familiar with the events at which it took place?

25 A. Yes.

IBQKGRA4

Rechnitz - Direct

1 Q. Where did this take place?

2 A. Gracie Mansion.

3 Q. And who is exhibited here?

4 A. Jeremy, Fernando Mateo, Bill de Blasio, and I'm there.

5 MR. BELL: The government offers 608.

6 MS. NECHELES: No objection.

7 MR. MERINGOLO: No objection.

8 THE COURT: Thank you.

9 I'm accepting 608 into evidence.

10 You can proceed.

11 (Government's Exhibit 608 received in evidence)

12 MR. BELL: Can we publish that for the jury, please.

13 Can we take that down.

14 Mr. Hamilton, can we publish, just for the witness,  
15 Government Exhibit 615.

16 BY MR. BELL:

17 Q. Are you familiar with this, Mr. Rechnitz?

18 A. Yes, I am.

19 Q. What is that?

20 A. That is the business card that Bill de Blasio gave me the  
21 first time we met where he handwrote his email address and cell  
22 phone number for me.

23 Q. Other than the redacted part of the phone number, is that  
24 as you remember it?

25 A. Yes.

IBQKGRA4

Rechnitz - Direct

1 MR. BELL: The government offers 615.

2 MS. NECHELES: No objection.

3 MR. MERINGOLO: No objection.

4 THE COURT: Thank you.

5 I'm accepting Exhibit 615 into evidence.

6 (Government's Exhibit 615 received in evidence)

7 MR. BELL: Can we publish that, please, to the jury.

8 And let's take that down.

9 Can we put up on the screen, just for the witness,  
10 Government Exhibit 1080. Can we focus in just on the top half  
11 for a moment.

12 BY MR. BELL:

13 Q. Mr. Rechnitz, are you familiar with this email?

14 A. Yes, I am.

15 Q. And how are you familiar with it?

16 A. I'm on the email with Jeremy and Ross.

17 MR. BELL: Your Honor, the government offers  
18 Government Exhibit 1080.

19 MS. NECHELES: No objection.

20 MR. MERINGOLO: No objection.

21 THE COURT: Thank you.

22 I'm accepting Exhibit 1080 into evidence.

23 You can proceed.

24 (Government's Exhibit 1080 received in evidence)

25 MR. BELL: Can we publish it, please?

IBQKGRA4

Rechnitz - Direct

1 THE COURT: You may.

2 MR. BELL: Mr. Hamilton, let's publish that to the  
3 jury, and let's first focus in on -- can you pull out of this  
4 box, please? Can you focus in -- actually, can we go to the  
5 second page and focus in on the bottom half of this. Yes.  
6 Thank you.

7 BY MR. BELL:

8 Q. Mr. Offinger writes: "Jona, hope you had a relaxing  
9 weekend. Should I send something by your office tomorrow?  
10 Also, could you provide employer occ info or provide us with  
11 contact info, so we can follow up?"

12 This is from Mr. Offinger to you on the 6th of  
13 October, 2013.

14 That's in response to your having said: "Thank you.  
15 Another 30,000 on Monday."

16 MR. BELL: Let's zoom out. Can we go to the top half,  
17 please.

18 Q. Mr. Offinger, working our way up, you say: "Hi. Let's  
19 touch base in the afternoon via email."

20 Mr. Offinger says: "Jona, let me know what time  
21 works best for you. I have events packed in pretty much from  
22 4:00 p.m. on."

23 And Ross follows up saying: "Jona, hope all is well.  
24 Do you have time to connect today? If possible, I need the  
25 employer occupation information, so I can start processing the



IBQKGRA4

Rechnitz - Direct

1 checks you gave me on Friday."

2 MR. BELL: Can we go to the first page, please. Can  
3 we go to the bottom half.

4 BY MR. BELL:

5 Q. "Tomorrow is perfect."

6 MR. BELL: Can you highlight that, Mr. Hamilton.

7 Q. Mr. Offinger says: "Jona, I need to head out around  
8 4:00 p.m. to staff a few events," and it goes on from there.

9 Mr. Rechnitz says: "Some people slow bringing checks  
10 in. Told by Tuesday."

11 Offinger says: "Okay. Can you let me know how much  
12 you have now."

13 And "25 on Tuesday. Got it."

14 Mr. Offinger says: "Do you think the full 100K  
15 Fernando mentioned is realistic? Need to get a sense for our  
16 line items and our commitment sheet."

17 And then you say: "You mean that we committed to?  
18 Yes, Jeremy and I are committed."

19 And Mr. Offinger says: "Great. That means a lot."

20 I'll note that that top one, "Great. That means a  
21 lot," was sent on Friday, October the 11th, 2013, by  
22 Mr. Offinger to you, Mr. Rechnitz, and that Mr. Reichberg is  
23 copied at his Gmail address.

24 MR. BELL: Let's take that down.

25 Can we put up on the screen now for the witness what's

IBQKGRA4

Rechnitz - Direct

1 been marked for identification as Government Exhibit 1051.

2 BY MR. BELL:

3 Q. Are you familiar with this email?

4 A. Just give me a moment, please.

5 Q. Sure.

6 (Pause)

7 A. Yes, I am.

8 Q. How are you familiar with that?

9 A. It's an email that I'm involved with with Fernando Mateo  
10 and Jeremy Reichberg.

11 MR. BELL: The government offers 1051.

12 MS. NECHELES: Objection, your Honor.

13 THE COURT: Thank you.

14 Come on up.

15 (Continued on next page)

IBQKGRA4

Rechnitz - Direct

1 (At the sidebar)

2 THE COURT: Thank you.

3 Does the government have a hard copy of this document  
4 that we can refer to?

5 MR. BELL: Sure.

6 THE COURT: I'm sorry, counsel. There's an objection?

7 MS. NECHELES: Hearsay grounds, yes.

8 THE COURT: And what's the nature of the hearsay  
9 statement to which you're objecting?

10 MS. NECHELES: It seems like the whole thing is here,  
11 Mr. Mateo's comments.

12 THE COURT: Thank you.

13 Counsel for the United States?

14 And I wanted to also discuss one other issue in  
15 addition to this, which is why I brought you over.

16 MR. BELL: Sure. Your Honor, I suppose that this is  
17 where the rubber meets the road with some of the other legal  
18 issues that we've discussed now for some weeks. But these --  
19 Mr. Mateo is a coconspirator with respect to the de Blasio  
20 conduct. That much is clear just based on Mr. Rechnitz's  
21 testimony not only here, but every other time that he's  
22 testified about it. So it comes in from a hearsay standpoint  
23 on that basis.

24 In addition, a fair chunk of what Mr. Mateo is putting  
25 in print here are directives, they are instructive, they are

IBQKGRA4

Rechnitz - Direct

1 sort of do this, do that, imperative type statements, that are  
2 themselves necessarily being offered for some purpose other  
3 than the truth by virtue of there being that, as Ms. Necheles  
4 acknowledged before.

5 THE COURT: Thank you. I'm sorry, let me hear from  
6 counsel for defendant. Then I do have some questions about  
7 this.

8 MS. NECHELES: I don't think that he's named as a  
9 coconspirator in the bill of particulars.

10 But I agree that statements that are directives, or  
11 instructions, or questions are not hearsay, but it seems like  
12 part of this is hearsay.

13 THE COURT: Thank you.

14 Which portion, counsel? Here's a hard copy.

15 MS. NECHELES: The bottom part, I think, or "Thanks  
16 for the invite to Las Vegas and other arrangements to Miami."

17 I think the "Let's keep our unity" is...

18 THE COURT: Thank you.

19 Counsel, I'd like to hear your response to that, and  
20 then I have some other questions.

21 MR. BELL: Of course.

22 I think the pattern of statements that Ms. Necheles  
23 offers that are not instructions of some sort, sort of  
24 demonstrates that the overwhelming majority of the top is, in  
25 fact, stuff that comes in as not hearsay because these are

IBQKGRA4

Rechnitz - Direct

1 directions, because he is telling them to do things.

2 And I would respectfully submit that "Let's keep our  
3 unity" is actually another example of this. So that takes care  
4 of the whole top message.

5 Then there is he already contacted and said, "I'm  
6 happy to talk to her," but that, of course, is coming from  
7 Mr. Rechnitz.

8 Down below, I suppose -- well, if nothing else, this  
9 provides context for the upper statements because they are  
10 talking about Senator Gillibrand, and it's very difficult to  
11 explain what it is that Mateo is reacting to in this rousing  
12 fashion without that having been clear.

13 But I would also offer, with respect to Ms. Necheles'  
14 point, about how these aren't in the bill of particulars.  
15 Yeah, bill of particulars pertain to the charged conspiracy.  
16 That does not restrict us with respect to coconspirator  
17 statements from an evidentiary standpoint. This is a separate  
18 conspiracy. But, clearly, it doesn't have to have been  
19 restricted or even defined for that purpose. So all of it  
20 should come in.

21 THE COURT: Thank you.

22 This raises a broader question about the scope of the  
23 evidence that the government is bringing in regarding these  
24 other acts by Mr. Rechnitz, which I understood were offered as  
25 both, I'll call it, to show his Giglio general absence of

IBQKGRA4

Rechnitz - Direct

1 mistake and other permitted categories of other-act evidence.  
2 But as you say, it's not the charged offense, and I'm somewhat  
3 concerned by the testimony that we've just heard about whether  
4 the conduct that was just described is, in fact, illegal given  
5 the nature of the official acts definition that I expect to be  
6 proposing to the parties.

7 And I am concerned about the, I'll call it, quantity  
8 of evidence that the government is putting in in order to  
9 demonstrate Mr. Rechnitz's and Mr. Reichberg's participation in  
10 a conspiracy that is not the charged conspiracy. So my concern  
11 about this was not so much the hearsay concern, but the scope  
12 of and extent of the testimony that the government is putting  
13 in at this point regarding uncharged conduct here.

14 MR. BELL: What I can offer there, your Honor, is the  
15 following:

16 First, both Ms. Necheles and Mr. Meringolo, at various  
17 points in the runup to trial, indicated that they intend to  
18 affirmatively disprove that these other acts actually happened.  
19 I think in a world in which that wasn't the case, the showing  
20 on our part with respect to these things would be somewhat more  
21 modest, but we're reacting to what it is that Ms. Necheles in  
22 particular has said that she intends to do.

23 I can proffer now that we don't intend to put very  
24 much more in support -- documentary evidence in support of that  
25 conspiracy beyond what we've already done, like we're near the

IBQKGRA4

Rechnitz - Direct

1 point where we would move on with respect to de Blasio and that  
2 area of the political sector generally. We will, as I think  
3 everyone can expect at this point, touch briefly on Rob  
4 Astorino, but it won't be as extensive.

5 So I hope that that says something both with respect  
6 to why it is that we are doing this, because this is something  
7 where -- look, different defense counsel with respect to  
8 Mr. Rechnitz have taken different approaches with this. In  
9 both of the Seabrook trials, Mr. Shechtman did not -- on behalf  
10 of Mr. Seabrook and Mr. Mazurek in the first trial on behalf of  
11 Murray Huberfeld, made a strategic choice not to take issue  
12 with whether these things happened as a means of attacking  
13 Mr. Rechnitz's credibility. As a result, the focus was  
14 somewhat diminished. We have adjusted slightly upward because  
15 of what Ms. Necheles says it is that she is going to do, but we  
16 don't intend to spend very much more time here.

17 THE COURT: Thank you.

18 MS. NECHELES: Judge, I do intend to cross extensively  
19 on all of the other acts evidence.

20 THE COURT: Understood.

21 I'll let you bring in this piece of evidence. I don't  
22 understand this is to be hearsay for the reasons that the  
23 parties have articulated. I do want to talk about a limiting  
24 instruction regarding the nature of the conduct. It's not  
25 clear to me that apart from the straw donations, that the

IBQKGRA4

Rechnitz - Direct

1 conduct that he just described engaging in with Mayor de Blasio  
2 and Offinger, setting up meetings and the like, is illegal, and  
3 I'm afraid that the jury may be confused about that. So I want  
4 to talk about that in a subsequent break.

5 MR. BELL: That's fine, your Honor. It seems to me  
6 that the starting point there would be the same point that we  
7 attempted to raise in the earlier instruction about how whether  
8 that stuff is illegal or not is neither here, nor there for the  
9 jury.

10 THE COURT: Thank you. We can talk about that.

11 (Continued on next page)

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IBQKGRA4

Rechnitz - Direct

1 (In open court)

2 THE COURT: Ladies and gentlemen, would you like to  
3 take a short break just to stretch your legs? I think I'm  
4 seeing a bunch of yeses, so let's take that task. Let's step  
5 down. Please don't discuss the case during the break, don't  
6 discuss it with anyone else, and don't do any research about  
7 it.

8 (Jury not present)

9 THE COURT: Thank you.

10 We're taking a recess, and when Mr. Reichberg  
11 returns -- I'm going to step down briefly. I'd like to be in a  
12 position to start as soon as Mr. Reichberg is available. So no  
13 more than five minutes, please.

14 Mr. Rechnitz, if you could stay in place because I  
15 think this will be a short break. If you need to use the  
16 restroom, please let my deputy know.

17 MS. NECHELES: Thank you, your Honor.

18 (Recess)

19 THE COURT: Thank you. You can be seated.

20 Mr. Daniels, can you please bring in the jury.

21 (Jury present)

22 THE COURT: Thank you, ladies and gentlemen. You can  
23 be seated.

24 Thank you. I apologize for the interruption.

25 Mr. Bell, you can proceed.

IBQKGRA4

Rechnitz - Direct

1 MR. BELL: Thank you, your Honor.

2 The government offers Government Exhibit 1051.

3 THE COURT: Thank you.

4 I'm accepting Government Exhibit 1051 into evidence.

5 You can proceed.

6 (Government's Exhibit 1051 received in evidence)

7 MR. BELL: Thank you.

8 Mr. Hamilton, I'll ask you to focus on the bottom two  
9 emails first.

10 BY MR. BELL:

11 Q. Fernando Mateo, on February 5, 2015, writes to you and  
12 Jeremy: "Subject: Ross. Hey guys. Hope all is well. Thanks  
13 for the invite to LV. I have other arrangements in Miami. If  
14 you hear from Ross regarding Senator Kirsten Gillibrand, tell  
15 him not now. We will discuss moving forward. Let's keep our  
16 unity together."

17 You respond later that day: "He already contacted me,  
18 and I said I'm happy to talk to her. Should I reverse it?"

19 MR. BELL: Can we focus on the top message, please.

20 Q. Mr. Mateo responds to you and to Mr. Reichberg: "Guys, we  
21 will lose respect if we don't communicate. Tell him I'm not  
22 ready yet. They will keep asking for more and more money.  
23 They must give us something first - Jeremy chaplain for NYPD,  
24 total access to commissioners and deputy mayors. We want  
25 something back before we move along. Please call him and tell

IBQKGRA4

Rechnitz - Direct

1 him we as a team are not ready just yet, soon. Please advise  
2 on your decision. When he contacted me, the first thing I said  
3 was I will discuss with both of you."

4 Mr. Rechnitz, in 2013 and 2014 -- well, withdrawn.

5 When you first approached Mr. Offinger, how explicit  
6 was the connection between what it was that you sought to give  
7 and what it was that you sought to get?

8 A. It was very explicit.

9 Q. Did you discuss those same things with Mr. Reichberg at  
10 times when Mr. Offinger wasn't there?

11 A. Yes.

12 Q. Was it similarly explicit, the connection between what it  
13 was that you sought to get and what it was that you sought to  
14 give?

15 A. Yes.

16 Q. Did what you sought to get include official action from  
17 agencies of the City of New York?

18 A. Yes.

19 MR. BELL: Let's take that down.

20 Q. Now, at the time that you were getting involved --

21 MR. BELL: Can you put Government Exhibit 1029 just up  
22 on the witness' screen, Mr. Hamilton.

23 Q. Are you familiar with this document?

24 A. Yes, I am.

25 Q. What is that document?

IBQKGRA4

Rechnitz - Direct

1 A. This is a chart that Ross had filled out which contained  
2 the people who contributed checks for the mayor of New York.

3 MR. BELL: Your Honor, I expect this is the last bit  
4 of evidence that we'll put up on this particular subject. The  
5 government offers Government Exhibit 1029.

6 MS. NECHELES: No objection.

7 MR. MERINGOLO: No objection.

8 THE COURT: Thank you.

9 No objection from either counsel, I accept the Exhibit  
10 1029 into evidence.

11 You can proceed.

12 (Government's Exhibit 1029 received in evidence)

13 MR. BELL: Can we publish that for the jury, please.

14 BY MR. BELL:

15 Q. So, here, Mr. Offinger writes on Friday, October the 4th of  
16 2013 -- he writes to you, Reichberg, and Mateo with the subject  
17 line "de Blasio Follow-Up: "Jona and Jeremy, a pleasure  
18 meeting you today. I think this is the beginning of a good  
19 friendship."

20 MR. BELL: Can you publish that, please.

21 Q. "The totals from what I received today are below. We  
22 appreciate your support very much. Please let me know how I  
23 can further support your efforts on behalf of Bill and the  
24 campaign."

25 There are a number of amounts and people listed below.

IBQKGRA4

Rechnitz - Direct

1 Are those familiar to you?

2 A. Yes.

3 Q. And what are those amounts, and who are those people?

4 A. The first person is somebody Jeremy collected money from  
5 for \$2,000. The next eight people, I was responsible for  
6 bringing in, which all gave the maximum of 4,950. And the last  
7 person, I believe, is Jeremy's wife's cousin, who gave the  
8 maximum amount of 4950.

9 Q. Were any of the people listed on that people who worked in  
10 your building or in your office?

11 A. Yes.

12 Q. Who?

13 A. Paul Raps shared an office with me. Yuron Turgeman worked  
14 throughout my office in the government building, and Natalia  
15 Weiss' husband, Moshe, had an office in the building as well.

16 MR. BELL: Thank you. You can take that down.

17 Q. Now, at the same time that you were getting involved with  
18 the Thompson and de Blasio campaigns, were you getting involved  
19 with politicians outside of the city?

20 A. Yes.

21 Q. Who?

22 A. Rob Astorino from Westchester County.

23 Q. How did you come to get involved with Mr. Astorino?

24 A. Fernando lived in Westchester County and introduced me and  
25 Jeremy to him.

IBQKGRA4

Rechnitz - Direct

1 Q. Did you come to meet with Mr. Astorino as well?

2 A. Yes.

3 Q. Who was present when you met Mr. Astorino?

4 A. Fernando, Jeremy, and me.

5 Q. What sort of exchange did you have with Mr. Astorino?

6 A. We met him, Fernando introduced us as powerful people who  
7 contributed a lot to campaigns, and we expressed our desire to  
8 help him. I think initially I gave somewhere like \$15,000,  
9 which is a big amount for a county executive, and we explained  
10 to him our desire to become police chaplains in Westchester  
11 County, which is something Jeremy and I discussed before the  
12 meeting.

13 Q. Why were you and Jeremy interested in becoming police  
14 chaplains in Westchester County?

15 A. Because then you get a parking placard, and an ID, and a  
16 badge, and it's good for breaking the rules in the city for  
17 parking and other privileges, like getting pulled over.

18 Q. Now, at the time, Mr. Rechnitz, did you have any clerical  
19 or other qualifications to be a chaplain?

20 A. No.

21 Q. To the best of your knowledge, did Mr. Reichberg?

22 A. No.

23 Q. For the time, did you live in Westchester County?

24 A. No, I did not.

25 Q. Did you have anything to do with Westchester County?

IBQKGRA4

Rechnitz - Direct

1 A. No.

2 Q. How about Mr. Reichberg?

3 A. No.

4 Q. Did you have any intention of actually performing  
5 chaplain-type duties as a Westchester County chaplain?

6 A. No, I did not.

7 Q. Based on your conversations with Mr. Reichberg, did  
8 Mr. Reichberg?

9 A. No.

10 Q. Now, did you mention this wish to become police chaplains  
11 to Mr. Astorino when you met him?

12 A. Yes, I did.

13 Q. And did you mention the connection between that and what  
14 you were willing to do for Mr. Astorino?

15 A. Yes.

16 Q. And what was Mr. Astorino's response?

17 A. He had told Jeremy and I that he would reach out to his  
18 police commissioner, George Longworth, and that he would be in  
19 touch with Jeremy directly.

20 Q. Did that, in fact, happen?

21 A. Yes.

22 Q. Did you come to know Commissioner Longworth?

23 A. Yes.

24 Q. Did you also come to know a brother of Commissioner  
25 Longworth's?

IBQKGRA4

Rechnitz - Direct

1 A. Yes.

2 Q. Who was he?

3 A. He was in the, I guess, NYPD inner circle for Bill Bratton,  
4 helping him make decisions during his transition, and he was  
5 part of his team in the NYPD.

6 Q. Did you eventually get sworn in as police chaplain?

7 A. I think his name was Greg.

8 Pardon?

9 Q. Okay. Did you eventually get sworn in as a police chaplain  
10 in Westchester County?

11 A. Yes.

12 Q. To your knowledge, did Jeremy?

13 A. Yes.

14 MR. BELL: I'd like to put up, just for the witness  
15 right now, Government Exhibit 612.

16 Q. Are you familiar with that image?

17 A. Yes, I am.

18 Q. What's happening there?

19 A. That's this swearing-in in George Longworth's office.

20 MR. BELL: Your Honor, the government offers 612.

21 MS. NECHELES: No objection.

22 MR. MERINGOLO: No objection.

23 THE COURT: Thank you.

24 I'm accepting Exhibit 612 in evidence.

25 You can proceed.



IBQKGRA4

Rechnitz - Direct

(Government's Exhibit 612 received in evidence)

MR. BELL: Thank you, your Honor.

Can we publish 612 to the jury, please.

BY MR. BELL:

Q. So what's happening here, Mr. Rechnitz?

A. This is the swearing-in ceremony Jeremy and I went to become chaplains, and that's the swearing in for me.

Q. Did you swear to uphold the Constitution of the State of New York and certain things within Westchester County?

MR. MERINGOLO: Objection.

THE COURT: Thank you.

You can answer the question.

THE WITNESS: Whatever he repeated, I said I did.

Q. Did you actually do anything to live up to that oath subsequently?

A. No, I did not.

Q. To the best of your knowledge, did Mr. Reichberg?

A. No, he did not.

MR. BELL: We can take that down.

Q. Now, in addition to fundraising for Mr. Astorino, did you do anything else for him?

A. Yes.

Q. What else did you do?

A. I purchased a Rolex watch for him.

Q. Where did you purchase the watch from?

IBQKGRA4

Rechnitz - Direct

1 A. I believe it was Daniela Diamonds.

2 Q. What is Daniela Diamonds?

3 A. It's a watch and jewelry store on 47th Street.

4 Q. After you purchased the watch from Daniela Diamonds, did  
5 you do anything else with respect to the watch?

6 A. Yes.

7 Q. What else did you do?

8 A. I called Ariel from Motion In Time, who we spoke about  
9 before, to come set it on his wrist and adjust it for him in my  
10 office.

11 Q. Did that, in fact, happen?

12 A. Yes.

13 Q. When you say "his wrist," who are you talking about?

14 A. Rob Astorino's.

15 Q. Was there an earlier point where you were questioned by the  
16 government about where you got the watch from?

17 A. Yes.

18 Q. And were you confused at any point in answering that  
19 question?

20 A. Yes.

21 Q. Why?

22 A. I had thought that I had purchased the watch from Motion In  
23 Time because I remember Ariel from Motion In Time coming to  
24 adjust the watch, but I later remembered that he only came to  
25 adjust it, and I purchased it from Daniela.

IBQKGRA4

Rechnitz - Direct

1 Q. With respect to Mr. Reichberg, did you understand  
2 Mr. Reichberg to have any clergy training at all?

3 A. No.

4 Q. Did you understand him to have ever gone to any sort of  
5 rabbinical school?

6 A. Not that I'm aware.

7 Q. Did you ever know him to preserve -- preside, rather, over  
8 any services as a rabbi?

9 A. No.

10 Q. In Westchester County?

11 A. No.

12 Q. How about in Brooklyn?

13 A. No.

14 Q. To your knowledge, does Mr. Reichberg have a congregation?

15 A. No.

16 Q. All of that aside, Mr. Rechnitz, have you heard  
17 Mr. Reichberg represent himself as a rabbi?

18 A. Yes.

19 Q. In what contexts?

20 A. Whenever he would call the Port Authority by JFK, he would  
21 say it's Rabbi Reichberg calling from the state police. I've  
22 heard him identify himself that way, also, to officers.

23 (Continued on next page)

24

25

IBQTGRA5

Rechnitz - Direct

1 BY MR. BELL:

2 Q. In what context would you hear him call the Port Authority?

3 A. In order to park and do a VIP walk-through for a friend of  
4 his, or when he and I traveled, to cut the security line at  
5 TSA.

6 Q. With respect to the Westchester County position, did you in  
7 fact receive a parking placard?

8 A. Yes.

9 Q. Did Mr. Reichberg?

10 A. Yes.

11 Q. Did you use it?

12 A. Yes.

13 MR. BELL: Mr. Hamilton, can you put Government  
14 Exhibit 1072 up on the screen just for the witness, please.

15 Q. Did there come a point where you ceased being a chaplain at  
16 Westchester County?

17 A. Yes.

18 Q. Under what circumstances?

19 A. Again, after the whole IAB came to visit me, I cut out  
20 everything. I don't want to be involved with anything for the  
21 police at all.

22 Q. Are you familiar with Government Exhibit 1072?

23 A. Yes, I am.

24 Q. How are you familiar with this communication?

25 A. It was an email to me from George Longworth's office.

IBQTGRA5

Rechnitz - Direct

1 MR. BELL: Your Honor, the government offers 1072.

2 MS. NECHELES: No objection.

3 MR. MERINGOLO: No objection.

4 THE COURT: Thank you. I'm accepting 1072 into  
5 evidence. You can proceed.

6 (Government's Exhibit 1072 received in evidence)

7 MR. BELL: Thank you, your Honor. Mr. Hamilton, may  
8 you publish that.

9 Q. So in the middle of that first page, georgelongworth@  
10 westchestergov.com writes: A reminder, if you could get back  
11 to us with your availability.

12 And you respond: I can't make it, sorry. Also, I'm  
13 fine freeing up a spot for you if you need the chaplain spot  
14 for anybody else. I don't have time to put into this anymore.  
15 Thank you. Hope you're well.

16 Why did you send that in March of 2015?

17 A. I knew about an investigation going on and I did not want  
18 the chaplaincy, since it was a farce.

19 Q. Now around the time that you had gotten the chaplaincy from  
20 Westchester County, had you and Jeremy sought similar positions  
21 elsewhere?

22 A. Yes.

23 Q. Where?

24 A. In Floral Park.

25 Q. How did that come to be?

IBQTGRA5

Rechnitz - Direct

1 A. Again Steve McAllister became the commissioner of the  
2 Floral Park Police Department, and Jeremy said he would arrange  
3 a chaplaincy for himself and a clergy liaison for me.

4 Q. What did you understand the purpose of that to be?

5 A. To get a parking placard and an ID.

6 Q. What would the benefit be of having parking placards in  
7 both Floral Park and Westchester County?

8 A. Since both were outside of the city, it would be to rotate  
9 the use. The chances of a cop giving you a ticket using the  
10 same placard every day when you're from out of the city is  
11 greater than if you switch them around.

12 Q. Were you and Mr. Reichberg successful in getting these  
13 positions in Floral Park?

14 A. Yes.

15 Q. Did you get a placard?

16 A. Yes.

17 Q. Did you have any affiliation with Floral Park outside of  
18 your relationship with Steve McAllister?

19 A. No.

20 Q. Did you ever assist with any religious services or clergy  
21 liaison in Floral Park?

22 A. No.

23 Q. How many times would you say you have been to the Village  
24 of Floral Park in your life?

25 A. One time.

IBQTGRA5

Rechnitz - Direct

1 MR. BELL: Could we put Government Exhibit 1057 on the  
2 screen for just the witness, please.

3 Q. Are you familiar with this communication?

4 A. I can't see the image from the attachment, so it's hard to  
5 tell.

6 Q. Setting aside the image, are you familiar with this  
7 communication given the subject line and timing?

8 A. Yes.

9 Q. And what's your understanding of it?

10 A. I'm asking Jeremy when my placard will be ready.

11 MR. BELL: The government offers 1057.

12 MS. NECHELES: No objection.

13 MR. MERINGOLO: No objection.

14 THE COURT: Thank you. I'm accepting Exhibit 1057  
15 into evidence.

16 (Government's Exhibit 1057 received in evidence)

17 THE COURT: You can proceed.

18 MR. BELL: Could we publish that to the jury, please.

19 Q. Mr. Reichberg sent you a JPEG image. What generally do you  
20 understand that to have been?

21 A. A photo attachment of the parking placard.

22 Q. And your response was: Amazing. When will it be ready?

23 MR. BELL: Let's take that down.

24 Q. Did you get business cards as part of this chaplain  
25 arrangement?

IBQTGRA5

Rechnitz - Direct

1 A. For Westchester County, yes.

2 Q. How did those work?

3 A. Jeremy had ordered business cards for himself and for me.

4 Q. What did you understand the purpose of the business cards  
5 to be?

6 A. To hand out to different officers, play a big shot, the  
7 same thing we were doing.

8 MR. BELL: Could we put, Mr. Hamilton, Government  
9 Exhibit 1084 up just for the witness.

10 Q. And I am going to go ahead and offer Government  
11 Exhibit 1084.

12 MS. NECHELES: No objection.

13 MR. MERINGOLO: No objection.

14 THE COURT: Thank you. I'm accepting 1084 into  
15 evidence.

16 (Government's Exhibit 1084 received in evidence)

17 THE COURT: Counsel, you can proceed.

18 MR. BELL: Thank you.

19 Mr. Hamilton, can you publish that to the jury.

20 Can you highlight Charles Alexander, the sender,  
21 Jeremy Reichberg, the recipient, February 15, 2014, when it's  
22 sent.

23 And let's start from the bottom, Mr. Reichberg says to  
24 Mr. Alexander: Hi, it was nice talking to you this morning.  
25 These are the two chaplain cards and one board commissioner.



IBQTGRA5

Rechnitz - Direct

1 Please put out on a layout and send back for approval. Thank  
2 you.

3 Did you understand someone to have become a board  
4 commissioner as part of your arrangements, Mr. Rechnitz?

5 A. Yes.

6 Q. Who was that?

7 A. Mr. Fernando Mateo.

8 Q. And what was his work position?

9 A. In Westchester County he was on the police board.

10 Q. What did you understand that to be?

11 A. Some honorary sort of sheriff position.

12 MR. BELL: Can you highlight Jeremy Reichberg, police  
13 chaplain. Jona Rechnitz, police chaplain. Fernando Mateo,  
14 police board commissioner.

15 Then can you highlight when Mr. Alexander -- first of  
16 all, can you highlight Mr. Alexander's email address and  
17 highlight where he says I need to know how many stars goes on  
18 each of these so I can get the badges correct.

19 Let's take that down.

20 Mr. Rechnitz, let's switch gears and go back to your  
21 involvement with the New York City Police. And what I will do  
22 is I will -- let's put up on the witness's screen, and if it's  
23 possible to cycle through these, Government Exhibits 601  
24 through 605, one after the other for a couple of seconds each.

25 Q. Are you familiar with these images, Mr. Rechnitz?

IBQTGRA5

Rechnitz - Direct

1 A. Yes, I am.

2 Q. Are you familiar with the event they depict?

3 A. Yes, I am.

4 Q. What's the event?

5 A. My son's circumcision ceremony.

6 Q. That's same ceremony you described earlier?

7 A. Yes.

8 MR. BELL: The government offers Government Exhibits  
9 601 through 605.

10 MS. NECHELES: No objection.

11 MR. MERINGOLO: No objection.

12 THE COURT: I'm accepting into evidence Government  
13 Exhibits 601 through 605.

14 (Government's Exhibits 601 through 605 received in  
15 evidence)

16 THE COURT: You can proceed.

17 MR. BELL: Thank you.

18 Q. Please start with 602. Who is depicted here?

19 A. Philip Banks and me. To the left is Detective Norville, I  
20 believe.

21 Q. And who do you understand Detective Norville to be?

22 A. A detective who works for the chief of department's office  
23 for Phil Banks and Michael Harrington.

24 Q. And can we go to Government Exhibit 604.

25 And it may be best to do a sort of left to right here.

IBQTGRA5

Rechnitz - Direct

1 Who do we have?

2 A. Jeremy Reichberg, Robert Astorino, me, Michael Harrington,  
3 and Philip Banks.

4 Q. And so are these Mr. Astorino and Mr. Harrington shaking  
5 hands?

6 A. Yes.

7 Q. Let's go to 603. And 605.

8 And who do we have here, sir?

9 A. This is David Colon and me.

10 Q. And 601.

11 And who do we have here?

12 A. Eric Rodriguez and me.

13 Q. This is the same Eric Rodriguez who received gifts as part  
14 of the Christmas of 2013 ride through Staten Island?

15 A. Yes, sir.

16 MR. BELL: You can take that down, Mr. Hamilton.

17 Q. I want to direct your attention, Mr. Rechnitz, to about a  
18 year ago, that is to say, October/November of 2017. By this  
19 time had you already started cooperating with the government?

20 A. Yes.

21 Q. Did you have an understanding at this time of whether the  
22 term "corrupting" or "corruption" aptly described your  
23 relationship with these officers?

24 A. No, it did not.

25 MS. NECHELES: Objection, your Honor.

IBQTGRA5

Rechnitz - Direct

1 MR. MERINGOLO: Objection.

2 THE COURT: Counsel, can you rephrase?

3 MR. BELL: Sure.

4 Q. Did you have an understanding, Mr. Rechnitz, of whether the  
5 term "corrupting" or the term "corruption" would appropriately  
6 be used to describe your relationship with these officers?

7 MS. NECHELES: Objection.

8 MR. MERINGOLO: Objection.

9 A. No, I did not.

10 THE COURT: I accept the answer.

11 A. No, a year ago I did not.

12 Q. What was your understanding at the time of whether those  
13 were fitting terms?

14 A. My understanding at the time was that corruption was when  
15 you had an explicit understanding that I'm going to give you  
16 this in return for that, a verbal understanding. That's how I  
17 understood corruption at the time.

18 Q. Now at the time did you nevertheless understand that what  
19 you did with the officers was wrong?

20 A. Yes.

21 Q. Now with respect to whether the terms "corruption" or  
22 "corrupting" are appropriately applied, did that understanding,  
23 just with respect to whether the words fit the circumstances,  
24 change?

25 A. No.

IBQTGRA5

Rechnitz - Direct

1 MR. MERINGOLO: Objection, leading.

2 THE COURT: Thank you. Overruled, you can answer.

3 I accept the answer.

4 A. No, the conduct remained the same, just the way I --

5 MS. NECHELES: Objection, your Honor.

6 THE COURT: Counsel, can you ask the question again?

7 MR. BELL: I'm not -- okay, sure.

8 Q. Withdrawn.

9 Did you have an understanding -- withdrawn.

10 A moment ago, Mr. Rechnitz, you said that you had a  
11 particular view of what the term "corruption" or the term  
12 "corrupting" meant. Did that change?

13 A. Yes.

14 Q. How?

15 A. Initially, prior to a year and before that, the way I  
16 understood the word "corruption" was as I explained, but I know  
17 that corruption is acting in a manner which I did, which is  
18 where there are legal positions of power and you corrupt  
19 someone by bribing them.

20 Q. Has your understanding of what the facts actually were  
21 changed at all?

22 A. The facts did not change. My conduct has remained the same  
23 throughout, and when I initially thought that legally the  
24 definition of corruption was not what I had done, I maintain --

25 MS. NECHELES: Objection.

IBQTGRA5

Rechnitz - Direct

1 THE COURT: You can continue.

2 A. I maintain that it's the same exact conduct then as it is  
3 now. The conduct never changed.

4 Q. At approximately the same time a year ago, Mr. Rechnitz,  
5 did you have an understanding of whether those same  
6 interactions with police officers involved what's called a quid  
7 pro quo?

8 A. Again, like corruption --

9 MS. NECHELES: Your Honor, I object. Could we  
10 approach on this?

11 THE COURT: Yes, please come up.

12 (Continued on next page)

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IBQTGRA5

Rechnitz - Direct

1 (At sidebar)

2 THE COURT: Sorry, counsel, go ahead.

3 MS. NECHELES: Your Honor, it's improper bolstering,  
4 this testimony. What Mr. Bell is doing here is he's taking  
5 what he knows when he questions on cross about prior testimony  
6 and trying to explain. He knows he's not allowed to talk about  
7 the person's prior testimony, so he's now trying to have the  
8 person, Mr. Rechnitz, talk about like what those words meant  
9 before he is even asked the other questions. His state of mind  
10 about what those words mean have no relevance to this case at  
11 this moment because he hasn't been asked the prior inconsistent  
12 statement. He can do this on redirect if he wants, but for him  
13 to be bolstering his testimony and advancing this sort of  
14 scripted manner is really improper.

15 MR. MERINGOLO: Your Honor, one thing, we intend to --  
16 obviously because of the testimony, we intend to cross very  
17 hard on this particular issue, which now there's a year, how  
18 did he learn this, when it came about. I know we can't cross  
19 on what he talked about with his lawyer, but I think this opens  
20 the door to a very, very vigorous cross on these issues.

21 MR. BELL: May I?

22 THE COURT: Please.

23 MR. BELL: I am flummoxed by this.

24 MR. MERINGOLO: I don't know that means, Judge, if he  
25 could explain it in layman's terms.

IBQTGRA5

Rechnitz - Direct

1 MR. BELL: I'm not flummoxed by that. I am aware, as  
2 the Court doubtless is, that this is an issue of Ms. Necheles'  
3 making primarily. Ms. Necheles has said that it is at the very  
4 heart of the case what it is that Mr. Rechnitz's understanding  
5 was of whether there was quid pro quo, of whether what he was  
6 doing was actually corrupting these officers. And your Honor  
7 has ruled that, notwithstanding the prior inconsistent  
8 statement rules or any other number of things, that if this --  
9 that if the right situation is teed up, that this is something  
10 that they can theoretically question about.

11 MS. NECHELES: Your Honor, I withdraw my objection.  
12 Let him do it.

13 THE COURT: Thank you. Counsel --

14 MR. MERINGOLO: I don't withdraw.

15 THE COURT: Counsel, Mr. Grant has raised a separate  
16 question, which is what -- the ensuing questions about the  
17 basis for his changed understanding regarding what the law is  
18 and what the law means, there's both that issue, and then  
19 separately whether and to what extent I should permit this  
20 person to testify at length about his understanding of the  
21 meaning of those legal terms. Can you respond to each of those  
22 in turn?

23 MR. BELL: Sure.

24 MS. NECHELES: Your Honor, I think he opened the door  
25 now. We will be crossing. He opened the door. He's gone



IBQTGRA5

Rechnitz - Direct

1 through this about what was your understanding then, what it is  
2 now. Obviously it's based on his discussions with the  
3 government cleaning up his testimony, so we will cross on that.

4 THE COURT: Thank you.

5 Mr. Bell will respond.

6 MR. BELL: I appreciate that, your Honor.

7 It has always been on the table that Mr. Rechnitz can  
8 be asked about his understanding of what the criminal agreement  
9 was at any point, then, now, in between. I don't see this as  
10 having changed much. What we are doing is we are asking about  
11 a fixed point in time, not with respect to prior statements  
12 made, because this is primarily a trial about Mr. Rechnitz's  
13 understanding and not statements made, but just getting to what  
14 Ms. Necheles has said countless times now is the actual heart  
15 of the matter. This is our doing it. I don't think this opens  
16 the door to much of anything.

17 THE COURT: Counsel, do you also withdraw your  
18 objection?

19 MR. MERINGOLO: No, I do not.

20 MR. BELL: Could we have one moment?

21 MR. MERINGOLO: All right. Do we get to cross or do  
22 we get sustained every time? That's the whole thing.

23 MS. NECHELES: We can cross on that.

24 THE COURT: Thank you. Both parties have withdrawn  
25 their objections. You can proceed on this, counsel.

IBQTGRA5

Rechnitz - Direct

1 (In open court)

2 THE COURT: Sorry for the interruption, Mr. Bell, you  
3 can continue.

4 MR. BELL: Thank you, your Honor.

5 BY MR. BELL:

6 Q. So the question that had been put to you, Mr. Rechnitz, was  
7 the following: At the same time, roughly a year ago, did you  
8 have an understanding of whether these interactions with police  
9 officers involved what's called a quid pro quo?

10 A. No, I did not.

11 Q. And what was your understanding a year ago on that subject?

12 A. Similar to corruption, I had thought that the -- I guess  
13 legal definition precisely what quid pro quo was that if I  
14 explicitly stated I will scratch your back if you scratch mine.

15 Q. And has your understanding of what a quid pro quo means  
16 changed?

17 A. Yes.

18 Q. And do you understand there to have been a quid pro quo at  
19 the heart of the arrangement between you, Jeremy, and the  
20 police officers?

21 A. Yes.

22 Q. Now Mr. Rechnitz, "quid pro quo" is a legal term. Are you  
23 a lawyer, sir?

24 MS. NECHELES: Objection.

25 MR. MERINGOLO: Objection, your Honor.

IBQTGRA5

Rechnitz - Direct

1 THE COURT: Thank you. You can answer that question.

2 A. I'm not a lawyer.

3 THE COURT: Thank you. I accept the answer.

4 MS. NECHELES: Could we strike the first part of the  
5 statement?

6 THE COURT: Counsel, can you ask the first part of  
7 that question?

8 MR. BELL: Sure.

9 Q. Let me do this: Are you a lawyer, Mr. Rechnitz?

10 A. No, I am not a lawyer.

11 Q. Did you have an understanding, based on your education, of  
12 what a quid pro quo was prior to approximately a year ago?

13 A. No, I did not understand the legal definition.

14 MR. BELL: May we approach very briefly, your Honor?

15 THE COURT: Yes, come on up.

16 (Continued on next page)

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IBQTGRA5

Rechnitz - Direct

1 (At sidebar)

2 THE COURT: Thank you.

3 MR. BELL: So the only thing -- we contemplated this  
4 somewhere in pretrial proceedings, but this may be a good time  
5 for an instruction that your Honor has mentioned before that  
6 the witness is not an attorney and that the jury will get legal  
7 instructions from you at the end of the trial.

8 This isn't a button that we push often, but it seems  
9 particularly apt here given the nature of this testimony, and I  
10 think it's an appropriate statement, it's an accurate  
11 instruction. The way things work around here, this would be, I  
12 think, the most apt time to mention it. And I think it would  
13 simply be that you've heard the witness refer to the term "quid  
14 pro quo" and the term "corruption." You will be getting  
15 instructions on what those terms mean for purposes of your  
16 deliberations from me, the Court, at the conclusion of the  
17 trial, and those are the instructions you're to follow.

18 MS. NECHELES: Your Honor, we strenuously object to  
19 this. The witness did -- when he testified previously it  
20 wasn't a legal definition he was asked the following questions  
21 by Mr. Bell. He said: What did you understand the term  
22 "corrupted" to be or would mean when Mr. Schechtman asked you  
23 if you thought you corrupted police officers?

24 Answer: Like a quid pro quo, a bribe, saying, for  
25 example, I will give you dollar if you want to give me a bottle

IBQTGRA5

Rechnitz - Direct

1 of wine.

2 The government wants to redefine his statement as  
3 legal explanation. He gave the answer --

4 MR. BELL: We're not going to --

5 Judge, I'm in the middle of a statement, I ask that --

6 THE COURT: Please proceed.

7 MS. NECHELES: So he didn't use it that way, and  
8 they're trying to bolster their argument by using your Honor,  
9 by saying we would like an instruction now, right after they  
10 have asked did you understand -- were you a lawyer, did you  
11 understand.

12 THE COURT: Thank you. Let me say this, I would like  
13 to keep on moving. To the extent that there's an instruction  
14 that we need to craft with respect to this issue, I would like  
15 to craft it outside of the presence of the jury.

16 Is there any other issue that we should take up now  
17 with the jury in the box?

18 MS. NECHELES: I ask that the statement that was made  
19 about being a legal definition by Mr. Bell, that when he said  
20 quid pro quo was a legal term, that that be stricken, that  
21 Mr. Bell's statement be stricken.

22 THE COURT: I understood he had withdrawn that  
23 question and then rephrased it in a series of two questions.

24 MS. NECHELES: I didn't understand that.

25 MR. BELL: I did.

IBQTGRA5

Rechnitz - Direct

1 MS. NECHELES: If we make that clear on the record,  
2 that part is withdrawn and stricken from the record in case  
3 there's a readback ever, that that part is withdrawn and  
4 stricken from the record.

5 THE COURT: That was my understanding. And just in  
6 order to keep the flow moving, I think that the government  
7 agrees with that, I agree with that, to the extent that there  
8 is a request for readback, this record will establish that that  
9 portion should come out.

10 MS. NECHELES: Thank you, your Honor.

11 THE COURT: Thank you.

12 (Continued on next page)  
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IBQTGRA5

Rechnitz - Direct

1 (In open court)

2 THE COURT: Thank you. Sorry, Mr. Bell, you can  
3 proceed.

4 BY MR. BELL:

5 Q. So setting aside the labels and the definitions,  
6 Mr. Rechnitz, has your sense of the facts, of your  
7 understanding with the officers, changed at all over time?

8 A. No, the facts remain the same and my conduct remains the  
9 same.

10 Q. Is it the same as it was last year?

11 A. Yes.

12 Q. Is it the same as it was when you were still bribing Jimmy  
13 Grant and other officers with Jeremy Reichberg?

14 A. Yes.

15 Q. I would like to ask you about a number of things that you  
16 and Mr. Reichberg did. I want to direct your attention back to  
17 the time when you first got to know Mr. Reichberg when you were  
18 working for Africa Israel. What aspects of your job at  
19 Africa-Israel, if any, made getting to know the police more  
20 appealing?

21 A. First of all, the chairman of the company, Lev Leviev, he  
22 owns a diamond store on Madison Avenue, and there were  
23 protestors outside of his store on Valentine's Day and other  
24 weekends because they had disagreements with some of his  
25 philosophies. And I know it was a very big problem for

IBQTGRA5

Rechnitz - Direct

1 Mr. Leviev, and getting police involvement in that could only  
2 be beneficial for Leviev at the time.

3 Another issue is when Mr. Leviev came to America, he  
4 would come in on a private plane, and as discussed a little bit  
5 earlier, we were able to provide him with a private police  
6 escort to his hotel.

7 Q. I will ask you about both of those in turn.

8 What actions, if any, did -- first of all, did you  
9 take action to address the concerns about Mr. Leviev's  
10 protestors?

11 A. Yes.

12 Q. At whose direction did you take those actions?

13 A. Rotem Rosen, the CEO of the company.

14 Q. What actions did you take?

15 A. I spoke with Jeremy about what we can do about this. He  
16 came and partook in a meeting with me and Rotem and Paul Raps.  
17 We then had another meeting with Stephen McAllister, and he  
18 addressed the issue.

19 Q. How did he address the issue?

20 A. So he told us that he could take care of the problem, but  
21 that we would have to donate money to the NYPD football team.  
22 So I raised another \$25,000.

23 Q. Is this in addition to the 5,000 that you mentioned  
24 earlier?

25 A. Yes.



IBQTGRA5

Rechnitz - Direct

1 Q. Who did these additional funds come from?

2 A. It was from KLG Jewelry, LLC.

3 Q. What's that?

4 A. Which was the ownership of the store, the Leviev and Klein  
5 group. And Mr. Raps arranged for the donation, in addition to  
6 a check which came from Africa-Israel, which was the real  
7 estate company.

8 Q. What happened after these donations were made to the NYPD  
9 football team?

10 A. There was more of a police presence, and then eventually  
11 the protestors stopped.

12 MS. NECHELES: Could we get a date, your Honor?

13 Q. Was Mr. McAllister --

14 THE COURT: Sorry, overruled.

15 Counsel, can you please proceed.

16 Q. Was Mr. McAllister still with the NYPD at the time?

17 A. Yes.

18 Q. Did this happen before or after the Lincoln Tunnel episode  
19 that you alluded to a moment ago?

20 A. I think it was before, but I'm not exactly sure.

21 Q. So were you led as part of that to believe that the NYPD  
22 could do anything specific in order to allay the protester  
23 problem?

24 A. Yes.

25 Q. What?

IBQTGRA5

Rechnitz - Direct

1 A. That Jeremy had said that maybe they didn't have the proper  
2 noise permit. They would find out. If there was a noise  
3 permit they could shut it down, or if they got rowdy, they  
4 could move them over. Then we found out they did have proper  
5 permits, and it was a little more complicated than that.

6 Q. What ultimately happened to the protestors?

7 A. Got quiet right away.

8 Q. Did you and Jeremy credit Steve McAllister for that?

9 A. Yes.

10 Q. Now I want to turn to the incident involving Lev Leviev's  
11 travel that you mentioned a moment ago. What was it that  
12 actually happened here?

13 A. Lev Leviev was coming into town, and I had seen that Jeremy  
14 in fact did have pull on the NYPD. And Jeremy and I were  
15 talking, and he said that he could have a private police escort  
16 for Mr. Leviev from his plane to the hotel he was staying at in  
17 midtown, the Peninsula Hotel.

18 Q. Was that appealing to you?

19 A. Very much.

20 Q. Why?

21 A. This was the boss of my company, and I would look very good  
22 in front of him if I pulled this off.

23 Q. So did you take steps to make that happen?

24 A. Yes.

25 Q. What happened?

IBQTGRA5

Rechnitz - Direct

1 A. So I spoke to Rotem, the CEO of the company, and he said to  
2 go forward with the plan, gave Jeremy the green light. He went  
3 ahead and made all the arrangements.

4 Q. Were you familiar with Mr. Leviev's travel in the United  
5 States prior to this particular stop in the metro area?

6 A. No.

7 Q. Were you particular with Mr. Rotem's travel elsewhere on  
8 that same trip?

9 A. No.

10 Q. To your knowledge, did Mr. Leviev travel elsewhere in the  
11 United States on this same trip?

12 A. Yes.

13 Q. Where else?

14 A. After the New York trip he traveled to Miami and Las Vegas  
15 to look at properties.

16 Q. How do you know that, Mr. Rechnitz?

17 A. Because I was invited to join along after putting together  
18 the business trip.

19 Q. Was that all on the same jet?

20 A. I believe so, yes.

21 Q. And what kind of a jet was that that Mr. Leviev would come  
22 in on?

23 A. I don't remember the exact model.

24 Q. Do you remember if it was a -- well, was it a private jet?

25 A. Yes, it was.

IBQTGRA5

Rechnitz - Direct

1 Q. Did you have knowledge of whether it was Leviev's personal  
2 jet or whether it was rented?

3 A. I think he had rented it that trip because I remember  
4 seeing an expense account.

5 Q. Did a police escort in fact happen?

6 A. Yes.

7 Q. So I want to direct you to that day. Did you meet  
8 Mr. Leviev when he disembarked from this plane?

9 A. Yes.

10 Q. Where?

11 A. We were on the tarmac at Teterboro Airport and Rotem went  
12 to say hello, I waved hello, Jeremy and I were in a vehicle  
13 together, and Mr. Leviev's bags got loaded and he sat inside a  
14 car in front of us, which was a blue Bentley limousine.

15 Q. Did you have an understanding of whose car that was?

16 A. Yes.

17 Q. Whose?

18 A. Tamir Sapir.

19 Q. Who is that?

20 A. It's now Rotem's father-in-law. It's a man that we were  
21 contemplating doing business with at the time.

22 Q. Now what happened after Mr. Leviev got in the Bentley?

23 A. There was a -- we started exiting the airport and there was  
24 a police car waiting for us. It was in New Jersey. And the  
25 police car drove us, with lights and sirens, a car behind us

IBQTGRA5

Rechnitz - Direct

1 and a car in front of us, until the Lincoln Tunnel.

2 At the Lincoln Tunnel, Jeremy pointed out to me we're  
3 going to get waved off by different police, because that was  
4 the Jersey police, now the Port Authority, which controls the  
5 tunnel, the entire lane, the left lane of the Lincoln Tunnel,  
6 was completely available for us with no other cars. It was  
7 shut down.

8 Q. What happened as you approached the tunnel?

9 A. So we got waved off and we went inside the tunnel without  
10 any other cars. And when we got outside of the tunnel there  
11 were NYPD cars waiting for us which led us to the Peninsula  
12 Hotel.

13 Q. Did you get waved off by Port Authority?

14 A. Yes.

15 Q. Where, approximately?

16 A. Port Authority waved us by the tunnel.

17 Q. What happened then?

18 A. Then when the NYPD took over, they took us through the city  
19 until the Peninsula Hotel.

20 Q. Where, approximately, was that located?

21 A. In the 50s between Fifth and Sixth.

22 Q. What were you thinking as you were going through the  
23 Lincoln Tunnel?

24 A. This is unbelievable. Jeremy is very powerful.

25 Q. And did the escort have the desired effect on Mr. Rosen and

IBQTGRA5

Rechnitz - Direct

1 Mr. Leviev?

2 A. Yes, absolutely.

3 Q. How so?

4 A. They were very impressed. Lev had told me this was the  
5 treatment he gets in Russia. He was quite impressed. And then  
6 he invited me to come along on the rest of the United States  
7 travel to tour properties.

8 Q. Did you come to know whether any of the NYPD football team  
9 members had connections with New Jersey law enforcement?

10 A. Yes.

11 Q. Who?

12 A. Stephen McAllister.

13 MS. NECHELES: Objection, your Honor.

14 THE COURT: Thank you. I accept the answer. You can  
15 proceed.

16 A. Stephen McAllister.

17 Q. How did you come to learn that?

18 A. I had met in the past Gary McCarthy, who was a friend of  
19 Stephen McAllister, Mike Harrington, and he was the chief of  
20 police for Newark, and Joey Dunn, who I think was the head of  
21 highway or Port Authority, I don't remember which exact  
22 division, was a close friend of Steve McAllister, he had told  
23 us.

24 Q. Now you mentioned earlier that Reichberg had the ability to  
25 speed people through at Port Authority venues. Can you

IBQTGRA5

Rechnitz - Direct

1 describe what that means?

2 MS. NECHELES: Your Honor, I object to this. This is  
3 more --

4 THE COURT: Thank you. Would you like to come up?

5 MS. NECHELES: Yes.

6 THE COURT: Please come up.

7 (Continued on next page)

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IBQTGRA5

Rechnitz - Direct

1 (At sidebar)

2 THE COURT: I'm sorry, counsel, go ahead.

3 MS. NECHELES: Your Honor, this is more other act  
4 evidence. The bribery charged here is a bribery in Manhattan,  
5 in New York City, they bribed New York City cops. We have  
6 Floral Park, Westchester, at least those were all part of the  
7 404(b) motions, the in limine motions. Now he wants to elicit  
8 testimony about speeding people through Immigration, Customs, I  
9 don't know, that is not part of the 404(b).

10 This case has become so sprawled that everything that  
11 is on Rechnitz's mind apparently comes into evidence. It has  
12 no place. We have already, as your Honor noted before, went on  
13 and on about things that are not part of the charges here.

14 MR. BELL: Your Honor, for what it's worth, we did not  
15 continue to go on and on about de Blasio in which that comment  
16 had originally been raised. This is not a new 404(b) act, this  
17 is the same act. What we are attempting to do is establish the  
18 depth of Mr. Reichberg's connections that made that event  
19 possible. We established the NYPD component of it, which is  
20 helpful, which is a component of it. But to be clear, we  
21 weren't up on Ms. Necheles' client's phone back in 2008. We  
22 are trying to put together piecemeal on some level how that  
23 event happened. The NYPD is one component of it, but this  
24 rounds out the picture. Frankly, I'm kind of surprised the  
25 defense don't want this.



IBQTGRA5

Rechnitz - Direct

1 THE COURT: Could I pause you. The evidence that  
2 you're bringing in is related to the asserted lane closure in  
3 the Lincoln Tunnel and how it is that it may have been that the  
4 New Jersey Police --

5 MR. BELL: Contributed to this.

6 THE COURT: Right, and were inspired to do so by  
7 virtue of the contribution to New York Police force's football  
8 team?

9 MR. BELL: Insofar as the testimony has shown,  
10 Mr. McAllister had contacts with the New Jersey police as well.  
11 Reichberg had contacts with the Port Authority Police. I am  
12 happy to not do this, I suppose, but I think that the specific  
13 objection being raised is not a valid one, and it's certainly  
14 not some sort of far-flung, out-of-left-field act, it all goes  
15 to the same act.

16 MS. NECHELES: He's asking about something else. I  
17 didn't understand it to be about the tunnel anymore.

18 THE COURT: Understanding what the government's  
19 proffer is, do you maintain the objection?

20 MS. NECHELES: Are you saying that -- I thought he was  
21 asking him something about Immigration or Customs, which has  
22 nothing to do with Lincoln Tunnel. I don't understand.

23 MR. BELL: It's about having contacts within the Port  
24 Authority. Again, it is difficult for us from the outside of  
25 Mr. Reichberg's criminal acts to map the entirety of how all of

IBQTGRA5

Rechnitz - Direct

1 this worked, but to the extent that Mr. Reichberg has contacts  
2 within the Port Authority, which we already know is one of the  
3 entities that made this escort happen, and we don't have a way  
4 through Lieutenant DeMartino, who is just a foot soldier on  
5 this, to trace the authority to put in hey, there's an Israeli  
6 diplomat coming through, this is what we're trying to do.  
7 That's the point. But the proper point is it does all go to  
8 the same point.

9 THE COURT: So what specifically is the question that  
10 you want to ask at this point to establish that, counsel for  
11 the United States?

12 MR. BELL: I have lost it up there, your Honor. I'm  
13 sorry, it's been a long day.

14 I'm just trying to measure Mr. Reichberg's connections  
15 to the Port Authority as Mr. Rechnitz understood them.

16 MS. NECHELES: Could I say something, your Honor?

17 This is the heart of the problem. They don't have  
18 evidence that this was a bribe, and so instead they're trying  
19 to put in speculation: Well, he knew this person, and that  
20 person has connections with New Jersey. It's just pure  
21 speculation. There is no evidence for this. And that's why  
22 this should all be stricken from this case and they should not  
23 be able to keep sort of throwing in a mishmash in here of well,  
24 he had connection over here and also had connections over here.  
25 That's not evidence. And the government can't stand up here

IBQTGRA5

Rechnitz - Direct

1 and say well, we don't have access to his phone. If they can't  
2 prove their case, then they can't prove it. They can't just  
3 put things in.

4 MR. BELL: These are reasonable inferences, Judge.

5 THE COURT: Is the question that you want to pose what  
6 information Mr. Rechnitz has about Mr. Reichberg's connections  
7 with the Port Authority that led to the closure?

8 MR. BELL: Just his connections to the Port Authority.  
9 I don't think that Mr. Rechnitz is in a position to  
10 forensically trace each of those.

11 THE COURT: So what Mr. Rechnitz knows about  
12 Mr. Reichberg's connections with the Port Authority at the time  
13 of the conveyance.

14 MR. BELL: Yes.

15 MS. NECHELES: Is it at the time?

16 MR. BELL: Sure.

17 MS. NECHELES: But, Judge, whatever happened in the  
18 Port Authority, that would not be part of this. So if they're  
19 saying maybe Mr. Rechnitz got contacts over there, this is not  
20 404(b) evidence.

21 MR. BELL: I'll withdraw it. Let's keep going on.

22 THE COURT: Thank you.

23 (Continued on next page)  
24  
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IBQTGRA5

Rechnitz - Direct

1 (In open court)

2 THE COURT: Thank you, counsel. I'm sorry for the  
3 interruption. Please proceed.

4 MR. BELL: Thank you, your Honor.

5 BY MR. BELL:

6 Q. You mentioned Mr. Rosen a moment ago. Had you ever  
7 arranged -- withdrawn.

8 At around the time that you worked with Mr. Rosen, did  
9 you enlist the NYPD in doing any favors for Mr. Rosen?

10 A. Yes.

11 Q. Of what sort?

12 A. Like his son's bris. Jeremy had arranged for officers to  
13 stand outside of the ceremony. In addition, Jeremy had found  
14 me somebody we had hired from the bags and pipes division of  
15 the NYPD to play at the ceremony.

16 Q. I would like to put up just for the witness Government  
17 Exhibit 611.

18 Are you familiar with what is depicted here?

19 A. Yes, I am.

20 Q. How are you familiar with it?

21 A. This is exactly what we discussed. This is the bags and  
22 pipes NYPD. They played at the ceremony for his son's bris  
23 that we paid.

24 MR. BELL: The government offers 611.

25 MS. NECHELES: No objection.

IBQTGRA5

Rechnitz - Direct

1 MR. MERINGOLO: No objection.

2 THE COURT: Thank you. I'm accepting Government  
3 Exhibit 611 into evidence.

4 (Government's Exhibit 611 received in evidence)

5 THE COURT: You can proceed.

6 MR. BELL: Could we publish that, Mr. Hamilton.

7 And could we take that down.

8 BY MR. BELL:

9 Q. Now a few minutes ago, Mr. Rechnitz, I asked you a number  
10 of questions about your understanding of the relationship  
11 between yourself and Jeremy and the officers that you dealt  
12 with over this period of time. I want to be clear here, did  
13 you and Mr. Reichberg also discuss that arrangement?

14 A. Yes.

15 Q. Did you discuss the understanding that you had jointly with  
16 the officers?

17 A. Could you repeat that? I'm not sure I understand the  
18 question.

19 Q. Sure. Did you and Mr. Reichberg discuss the understanding  
20 that you've described with the officers?

21 A. Jeremy and I have discussed it, yes.

22 Q. And did anything about your discussions with Mr. Reichberg  
23 disturb your understanding that you were giving the officers  
24 things in order to get police action?

25 A. No.

IBQTGRA5

Rechnitz - Direct

1 Q. Did it confirm that understanding?

2 A. Yes.

3 Q. In what ways?

4 A. Many times when Jeremy said we have to give this gift or  
5 that gift to an officer, he would say: Come on, they have done  
6 a lot for us, they're expecting it. We need them, we need them  
7 to stay happy. He's a team player.

8 We were very explicit with one another on what to give  
9 and when to give it.

10 Q. You talked about team players. Was there also a specific  
11 term for officers who did not play ball, that is, who got in  
12 your and Jeremy's way?

13 A. Yes.

14 Q. What was that term?

15 A. Jeremy had a list on his phone which he called the black  
16 and blue list.

17 Q. What did you understand the black and blue list to be?

18 A. Cops who had either disrespected Jeremy or caused problems  
19 for him or associates of his.

20 Q. What was the purpose of the black and blue list?

21 A. To get these cops punished by superiors that he knew.

22 Q. And did you -- do you recall Mr. Reichberg or yourself  
23 sharing knowledge of that list with any superiors?

24 A. Yes.

25 Q. Who do you recall him sharing that knowledge of that list

IBQTGRA5

Rechnitz - Direct

1 with?

2 A. Michael Harrington.

3 Q. I want to put up on the witness' screen Government  
4 Exhibit 1021.

5 Are you familiar with this communication?

6 A. Yes, I am.

7 Q. How are you familiar with it?

8 A. I had sent a photo of Jeremy black and blue list to Michael  
9 Harrington.

10 Q. And was this the response?

11 A. Yes.

12 MR. BELL: The government offers 1021.

13 MS. NECHELES: No objection.

14 MR. MERINGOLO: No objection.

15 THE COURT: Thank you. I'm accepting Exhibit 1021  
16 into evidence.

17 (Government's Exhibit 1021 received in evidence)

18 THE COURT: Counsel, you can proceed.

19 MR. BELL: Could we publish that to the jury, please.

20 Q. This is an email from Mike, mjharrington1020@gmail.com.  
21 Who did you understand Mike to be?

22 A. Michael Harrington.

23 Q. And for a time, Mr. Rechnitz, was "Mike" actually how  
24 Michael Harrington came up in your email?

25 A. Yes.

IBQTGRA5

Rechnitz - Direct

1 Q. Now the subject line is: Black and blue, ha, ha, ha.  
2 There's originally a photograph at the very bottom sent on  
3 June 11, 2013. Is that the photograph you described a moment  
4 ago?

5 A. Yes.

6 Q. Harrington then responds: What do you think? Kelly  
7 running. And you respond: 100 percent.

8 What did that refer to?

9 A. Running for mayor.

10 Q. And then later on Harrington and responds: Get Jeremy's  
11 black and blue list ready.

12 What did you understand that to mean?

13 A. That action would be taken if Kelly wins.

14 Q. And what sort of action would be taken if Kelly wins?

15 A. Towards the officers on Jeremy's black and blue list.

16 Q. Why would that happen if Kelly won?

17 A. At that time I don't remember who the connection was, but  
18 somebody we were connected with, I think Norman, was very close  
19 to Ray Kelly.

20 MR. BELL: So let's take that down, Mr. Hamilton.

21 Q. Do you recall Mr. Reichberg actually moving to get officers  
22 who had crossed him or persons close to him disciplined?

23 A. Yes.

24 Q. About how many times would you say that happened?

25 A. I know in terms of me happening one time that I was



IBQTGRA5

Rechnitz - Direct

1 involved with.

2 Q. Tell us about that one time.

3 A. Ilana Freider and Guy Tanne, who worked for Paul Raps that  
4 we spoke about earlier, were -- their boss had a dispute with  
5 Lev Leviev at the time, and they felt that there was an officer  
6 following them wherever they were walking, and they felt  
7 threatened. And a few days later on they saw that fellow  
8 working a parade in midtown and saw he was an officer and got  
9 his badge number.

10 I then gave that badge number to Jeremy and Mike  
11 Harrington, and Jeremy had told me that it had been taken care  
12 of.

13 MR. BELL: One moment, please.

14 (Pause)

15 MR. BELL: So I would like to put, with Mr. Hamilton's  
16 help, Government Exhibit 306 on the witness's screen.

17 Would it be possible, Mr. Hamilton, to play a little  
18 of that without sound.

19 Q. Mr. Rechnitz, as you watch this, are you familiar with this  
20 video?

21 A. Yes, I am.

22 MR. BELL: I ask you to play the first 20 seconds of  
23 it or so, then stop.

24 Q. How are you familiar with this video?

25 A. I took it.

IBQTGRA5

Rechnitz - Direct

1 Q. And where were you at the time and what was the reason for  
2 taking it?

3 A. This is in a building on the Upper West Side called the  
4 Apthorp in Apartment 2A, and it's a video of Jeremy  
5 interviewing Ilana and Guy about what happened to them to get  
6 all the details so he could deal with it.

7 MR. BELL: The government offers Government  
8 Exhibit 306.

9 MS. NECHELES: No objection.

10 MR. MERINGOLO: No objection.

11 THE COURT: Thank you. I'm accepting it Government  
12 Exhibit 306 into evidence.

13 (Government's Exhibit 306 received in evidence)

14 THE COURT: You can proceed.

15 MR. BELL: Could we publish that to the jury,  
16 Mr. Hamilton, and play from the beginning with sound.

17 (Video recording played)

18 BY MR. BELL:

19 Q. Mr. Rechnitz, what did you understand Mr. Tanne to be  
20 referring to?

21 A. What we just discussed, I guess the off-duty cop that was  
22 following him.

23 Q. Now did Tanne or Freider provide you with any way to figure  
24 out the guy's identity?

25 A. Yes.

IBQTGRA5

Rechnitz - Direct

1 Q. What did they provide you with?

2 A. Besides a photo, they had a video of him.

3 MR. BELL: So I would ask you to put just on the  
4 witness's screen what's been marked for identification as  
5 Government Exhibit 302.

6 Here, too, can you play that, Mr. Hamilton, without  
7 sound.

8 Q. Are you familiar with that video?

9 A. Yes, I am.

10 Q. How are you familiar with it?

11 A. Ilana Freider sent it to me.

12 MR. BELL: The government offers 302.

13 MS. NECHELES: No objection.

14 MR. MERINGOLO: No objection.

15 THE COURT: Thank you. No objection, I'm accepting  
16 302 into evidence. You can proceed.

17 MR. BELL: Thank you. We can publish that to the  
18 jury, please, this time with sound.

19 (Video recording played)

20 Q. What did you and Mr. Reichberg do with the video that  
21 Mr. Reichberg had recorded and this video?

22 A. The video I recorded?

23 Q. Sorry, the video that he recorded where Mr. Reichberg  
24 conducted the interview, and this video.

25 MS. NECHELES: Objection.

IBQTGRA5

Rechnitz - Direct

1 THE COURT: Thank you. Could I ask you to rephrase  
2 the question?

3 MR. BELL: Sure.

4 Q. The last two videos that we just saw, what was done with  
5 them, if you know?

6 A. I sent them to Jeremy.

7 Q. For what purpose?

8 A. To try and figure out who this individual was.

9 Q. What came of that?

10 A. A few days later Ilana and Guy were walking in midtown past  
11 some parade, some event, and they saw the man from the second  
12 video with a police uniform and his badge on. And they sent  
13 the photo of that to me, which I then forwarded to Jeremy, and  
14 he got Mike Harrington involved and told me that he was going  
15 to have this cop disciplined.

16 Q. And to your knowledge, did anything come of that?

17 A. Yes.

18 Q. What?

19 A. I believe he was disciplined.

20 Q. Based on what?

21 A. What Jeremy told me.

22 Q. Now I want to switch gears slightly, Mr. Rechnitz. I'm  
23 going to ask you some questions about the early part of your  
24 relationship with Mr. Reichberg.

25 During that period of time, what, if anything, did you

IBQTGRA5

Rechnitz - Direct

1 do by way of providing NYPD officials with meals?

2 A. In the earlier years there was a bulk group of meals, just  
3 a few of them. One was, for example, at Abigail's restaurant  
4 where we went out with Stephen McAllister, some football guys  
5 that he brought, and guys who helped arrange everything for the  
6 protestors removal.

7 Q. Who paid for those meals?

8 A. That meal was either me or Paul Raps.

9 Q. To be clear, do you recall any of the officers paying?

10 A. No.

11 Q. Do you recall any of the officers asking about payment?

12 A. No, none did.

13 Q. Was Abigail a venue on more than one occasion?

14 A. I think there were two times that we ate there. That's  
15 where Paul liked to go.

16 Q. Where else did you have these meals early on?

17 A. At The Prime Grill in the old location on 49th Street  
18 between Park and Madison.

19 Q. What was the purpose of these meals from your standpoint,  
20 Mr. Rechnitz?

21 A. To treat the cops to a meal, get to know them a little  
22 better, joke around.

23 Q. Did you discuss that purpose with Mr. Reichberg?

24 A. Yes.

25 Q. What was the purpose of cultivating these relationships

IBQTGRA5

Rechnitz - Direct

1 with the NYPD officers?

2 A. Again, like discussed throughout the day, to get these  
3 close relationships to get things in return, to have the image  
4 of being the big shot, which it ultimately hopefully attracts  
5 investors and other sorts of perks.

6 MR. BELL: I would like to have Mr. Hamilton put up on  
7 your screen, Mr. Rechnitz, Government Exhibit 625, 626, 627 and  
8 628. If we could put them up on your screen in succession.

9 Q. Are you familiar with these images?

10 A. Yes, I am.

11 Q. How are you familiar with them?

12 A. I took them.

13 Q. And what are these images of, generally speaking?

14 A. What we just discussed, different dinners at various  
15 restaurants we just discussed with various police officers.

16 MR. BELL: The government offers 625 through 628.

17 MS. NECHELES: No objection.

18 MR. MERINGOLO: Judge, I'm going to object. The  
19 witness said he took those pictures but he's in those pictures.

20 THE COURT: Thank you.

21 Q. Did you yourself take all the pictures, Mr. Rechnitz?

22 A. No, but I had them all on my phone.

23 Q. Were you in fact at all of those -- at the events depicted?

24 A. I was at each event, yes.

25 MR. BELL: We offer the four images.

IBQTGRA5

Rechnitz - Direct

1 MR. MERINGOLO: No objection.

2 THE COURT: Thank you. I'm accepting 625, 626, 627  
3 and 628 into evidence.

4 (Government's Exhibits 625 through 628 received in  
5 evidence)

6 THE COURT: You can proceed.

7 (Continued on next page)

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IBQKGRA6

Rechnitz - Direct

1 MR. BELL: Can we publish 625 to the jury, please.

2 BY MR. BELL:

3 Q. Where are you -- well, where did this picture take place?

4 And who do you recognize here?

5 A. I think that that's The Prime Grill.

6 I recognize Michael Harrington -- I'm going from left  
7 up -- Michael Harrington, Stephen McAllister, Paul Raps,  
8 somebody in between Paul and Jeremy Reichberg, I don't know the  
9 fellow to the right of me, and me. To the left is Chief  
10 McCarthy, and the fellow to the left, I've seen him before at  
11 Jeremy's Purim party, but I don't remember his name.

12 Q. Let's look now at 626.

13 Who do we have here?

14 A. From right to left, Jimmy Grant, Eric Rodriguez, me, Chief  
15 McCarthy, and Michael Harrington.

16 Q. Where is this?

17 A. Outside at The Prime Grill.

18 Q. Let's go to 627.

19 Who do we have here?

20 A. From left to right, it's David Klein from the Leviev  
21 Jewelry store, Lisa Klein, his wife, Stephen McAllister, Paul  
22 Raps. The next three people, I'm not sure. Standing on the  
23 right is Jeremy Reichberg. Moving down is Michael Harrington,  
24 Chief McCarthy, me, Jimmy Grant, and a fellow who I met before  
25 through Jeremy, I don't remember his name.



IBQKGRA6

Rechnitz - Direct

1 Q. 628.

2 Is this the same --

3 A. Yes.

4 Q. -- scene as one of the pictures we've talked about before?

5 A. Yes. The upper half of the table.

6 Q. Are these meals at which the cops paid?

7 A. They did not pay.

8 Q. As a general practice, for these meals, over this period of  
9 time, did any of the officers pay?

10 A. No, they did not.

11 MR. BELL: Let's take that down.

12 Q. Are you familiar with a place called the Grand Havana Club?

13 A. Yes, I am.

14 Q. How are you familiar with the Grand Havana Club?

15 A. I was a member, and it's a place where I would frequent  
16 with Jeremy, Phil Banks, Mike Harrington, and Norman Seabrook.

17 Q. What is it?

18 A. It's a cigar club.

19 Q. Would you take officers to the Grand Havana Club during  
20 this period of time?

21 A. Yes.

22 Q. Would you treat them?

23 A. Yes.

24 Q. To what?

25 A. Access to the club, alcohol, and cigars.

IBQKGRA6

Rechnitz - Direct

1 MR. BELL: One moment?

2 Q. With respect to the early dinners, Mr. Rechnitz, about how  
3 much would you say those early dinners cost a head?

4 A. Anywhere between 50 to 100 dollars a head.

5 Q. Later on, when you came to have regular meals with  
6 Harrington, Banks, and Reichberg, about how much did those  
7 meals cost a head?

8 A. I'd say the same, 50 to 100 dollars a head.

9 Q. With respect to the Grand Havana Club, about how much would  
10 you say you spent per officer when you brought officers there?

11 A. It's hard to say, because I was a member, so everybody who  
12 came would be granted access for free, and I would bring my own  
13 cigars. So if they had a drink, whatever the drinks cost.  
14 Maybe 20, 30 dollars an officer.

15 Q. Is that something that -- is access to the Grand Havana  
16 Club something that nonmembers ordinarily can't get?

17 A. Right. It's exclusive.

18 Q. Is it something that in its exclusivity, you recognize a  
19 value in?

20 A. Yes. It costs me several thousand dollars a year.

21 MR. BELL: One moment, please?

22 (Pause)

23 Q. You mentioned an individual named Lin Snider.

24 A. Yes?

25 Q. Who was Lin Snider?

IBQKGRA6

Rechnitz - Direct

1 A. She was the former wife of the late Ed Snider.

2 Q. Who was Ed Snider?

3 A. Ed was a friend. He was the owner of the Philadelphia  
4 Flyers.

5 Q. Was Ed an important connection to you?

6 A. Yes.

7 Q. In what ways?

8 A. He was an investor, he was a big philanthropist that I  
9 became close to, and I thought he was someone who I'd love to  
10 be able to impress.

11 Q. Did there come a point where you provided Lin Snider with a  
12 police escort?

13 A. Yes.

14 Q. How?

15 A. I had called Jeremy that she wanted an escort, or I had  
16 offered it to her, and he followed up with Mike Harrington and  
17 sent Detective Norville to go help her out.

18 MR. BELL: Mr. Hamilton, can you put Government  
19 Exhibit 1256 up on the witness' screen, please.

20 Q. Are you familiar with this email?

21 A. Yes.

22 Q. How are you familiar with this email?

23 A. It's an email that I had sent to Lin Snider.

24 Q. What did it concern, generally?

25 A. Her address for the pickup that we just discussed.

IBQKGRA6

Rechnitz - Direct

1 MR. BELL: Your Honor, the government offers 1256.

2 MS. NECHELES: No objection.

3 MR. MERINGOLO: No objection.

4 THE COURT: Thank you.

5 I'm accepting Exhibit 1256 into evidence.

6 You can proceed.

7 (Government's Exhibit 1256 received in evidence)

8 MR. BELL: Thank you.

9 Can we publish that for the jury. Why don't we focus  
10 on the bottom two emails first. Perfect, Mr. Hamilton. Thank  
11 you.

12 BY MR. BELL:

13 Q. The first email at the bottom is April 30th, 2014, from  
14 your JSR capital account: "Need your address to arrange the  
15 pickup."

16 A few minutes afterwards, Lin Snider responds:  
17 "50 Gramercy Park North."

18 MR. BELL: Can we go up?

19 Q. Generally, by the way, for what reasons would Lin Snider be  
20 in town?

21 A. If there was a hockey game, if the Flyers were playing the  
22 Rangers.

23 Q. So you say: "You're all set. Unmarked police car will be  
24 waiting for you at 6:00 p.m. Here is my cell if there's any  
25 issue."

IBQKGRA6

Rechnitz - Direct

1 Snider then says: "Thanks. How long will it take to  
2 get there? Think 6:15 is too late? I'm not even at our  
3 apartment yet. I need to change and get ready."

4 You say: "6:15 p.m. is fine. He will get you there  
5 quickly. Black Ford Explorer, Lieutenant Norville." And  
6 there's a phone number there.

7 MR. BELL: You can take that down.

8 Q. So, again, who did you understand Lieutenant Norville to  
9 be?

10 A. He was a lieutenant who worked for the chief of  
11 department's office.

12 Q. How was it that he came to be providing that escort that  
13 evening?

14 A. Again, I asked Jeremy to speak to Mike Harrington and  
15 arrange it, and he did.

16 Q. What led you to believe that speaking to Jeremy would get  
17 Mike Harrington to make an escort happen?

18 A. Because that's the deal we had. We would discuss these  
19 things with each other. He dealt with the details, and I was  
20 dealing with the financial aspect of things.

21 Q. Were you familiar with an individual named Jay Lobell?

22 A. Yes.

23 Q. Who is he?

24 A. He's a friend from the Upper West Side.

25 Q. Did Mr. Reichberg know him?

IBQKGRA6

Rechnitz - Direct

1 A. Through me.

2 Q. Did there come a time when you arranged a police escort for  
3 Mr. Lobell?

4 A. Yes.

5 MR. BELL: I'll ask Mr. Hamilton to put Government  
6 Exhibit 1066 up for just the witness.

7 Q. Are you familiar with this email?

8 A. Yes, I am.

9 MR. BELL: Can we go to the second page briefly,  
10 Mr. Hamilton. And the third page.

11 Q. How are you familiar with this email?

12 A. It's an email between me and Jay Lobell.

13 MR. BELL: The government offers 1066.

14 MS. NECHELES: No objection.

15 MR. MERINGOLO: No objection.

16 THE COURT: Thank you.

17 I'm accepting Exhibit 1066 into evidence.

18 You can proceed.

19 (Government's Exhibit 1066 received in evidence)

20 MR. BELL: Why don't we publish that for the jury,  
21 Mr. Hamilton, beginning with the third page.

22 BY MR. BELL:

23 Q. At the very bottom, you email Jay Lobell with the subject  
24 "Flight: JFK latest 7:15 and LaGuardia 8:15. I'll get you a  
25 police escort for LGA."

IBQKGRA6

Rechnitz - Direct

1 Jay Lobell says: "You're funny. Isn't there a  
2 JetBlue at 9:30? I thought I took that once."

3 And then you say: "I'll check, but serious about the  
4 escort."

5 MR. BELL: Let's take that down. I'll note that  
6 that's September 1st of 2014.

7 Let's go to page 2, please.

8 Q. At the very bottom of the page, Mr. Lobell asks: "Even  
9 from Nassau?"

10 You say: "Even."

11 Lobell says: "Cool. Will be right back to you."

12 MR. BELL: Let's put that down. Thank you.

13 Q. Mr. Rechnitz, you, at 11:10 p.m., say: "Or private. Let  
14 me price."

15 Mr. Lobell says: "Otherwise I suspect I bag Mehlon  
16 and take the 8:15. Waste of time to get out to Atlantic Beach  
17 to turn around before I get there."

18 MR. BELL: Let's go to page 1, please.

19 Q. There are a couple of references to excited to get this  
20 done.

21 Did you have business pending with Mr. Lobell?

22 A. Yes.

23 Q. Is that what's being referred to here?

24 A. Yes.

25 MR. BELL: Let's take that down. Sorry, just the

IBQKGRA6

Rechnitz - Direct

1 blowup box.

2 BY MR. BELL:

3 Q. Now, did you, in fact, to your recollection, provide  
4 Mr. Lobell with an expedited ride that evening?

5 A. I did.

6 Q. How did you do so?

7 A. I think Jeremy had arranged for Nussy Josephy to ride him  
8 from my recollection.

9 MR. BELL: Let's take that down.

10 Can you put 1022 up just for the witness for the  
11 moment. And let's take that down. Thank you.

12 Q. Now, Mr. Rechnitz, are you familiar with the term  
13 "ticket-fixing"?

14 A. Yes, I am.

15 Q. What do you understand ticket-fixing to be?

16 A. When somebody gets a ticket or a moving violation, with the  
17 right connection, a cop can get rid of that ticket, so you  
18 don't get points.

19 Q. During the time period we have been describing, the time  
20 period when you and Reichberg had this understanding, did you  
21 facilitate any ticket-fixing?

22 A. Yes.

23 Q. How?

24 A. I would get tickets from friends or family and give them to  
25 Jeremy.



IBQKGRA6

Rechnitz - Direct

1 Q. What was your understanding of what Mr. Reichberg did once  
2 you gave him the tickets?

3 A. That he had friends in the police department who would get  
4 rid of them.

5 Q. Now, were there ever points when Mr. Reichberg had lawyers  
6 who would assist?

7 A. Yes.

8 Q. Was that all of the time, most of the time? How frequent?

9 A. No, once in a while. In the later years of our  
10 relationship, I think ticket-fixing became something that was  
11 out there in the media, and, you know, it was less easy to do.  
12 So he would also get lawyers involved for the cases.

13 Q. Prior to the point where ticket-fixing became a more public  
14 deal, did you understand that you were sending these people to  
15 Jeremy, so that he could get people lawyers?

16 A. No.

17 Q. What were you sending people to Jeremy to do?

18 A. To get the tickets eradicated, fixed.

19 Q. You mentioned that the reason why or a reason why  
20 ticket-fixing would be useful was because people might get  
21 points on their license. What are points?

22 A. When you have points on your license, your insurance goes  
23 up, and with too many points, you can get a suspended driver's  
24 license.

25 Q. Why does that matter?

IBQKGRA6

Rechnitz - Direct

1 A. Because you won't be able to drive if you get too many  
2 points, and it will become costly for insurance, the more  
3 points you have.

4 Q. So why not just pay the ticket as opposed to having  
5 somebody pay a fellow like Mr. Reichberg?

6 A. Because if you pay the ticket, you still get points.

7 Q. Now, as part of these referrals for ticket-fixing, would  
8 you have tickets actually delivered to Mr. Reichberg?

9 A. Yes.

10 Q. In what sorts of ways?

11 A. Email, text message.

12 Q. I'd like to show you --

13 MR. BELL: If we can just put these on the witness'  
14 screen, Government Exhibits 1033 -- let's just do 1033 for the  
15 moment. And then 1101. And 1102.

16 Q. Are you familiar with these emails, Mr. Rechnitz?

17 A. Yes, I am.

18 Q. How are you familiar with them?

19 A. They're between me, and Jeremy, and the fellow who got the  
20 ticket, Adam.

21 Q. And, generally, what do they concern?

22 A. A ticket -- a copy of the ticket, the ticket number.

23 MR. BELL: The government offers Government Exhibits  
24 1033, 1101, and 1102.

25 MS. NECHELES: No objection.

IBQKGRA6

Rechnitz - Direct

1 MR. MERINGOLO: No objection.

2 THE COURT: Thank you.

3 I'm accepting 1033, 1101, and 1102 into evidence.

4 You can proceed.

5 (Government's Exhibits 1033, 1101, and 1102 received  
6 in evidence)

7 MR. BELL: We've been going at a healthy trot, your  
8 Honor. I wonder if this would be a good time for a quick  
9 stretch break for the jury?

10 THE COURT: Fine. I'd be happy to take a short  
11 recess.

12 Ladies and gentlemen, during this case, as always,  
13 don't talk about the case, don't communicate about it with  
14 anyone else, and don't do any research into any of the case or  
15 anyone involved in it. I'll see you all back here shortly.

16 (Continued on next page)  
17  
18  
19  
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22  
23  
24  
25

IBQKGRA6

Rechnitz - Direct

1 (Jury not present)

2 THE COURT: Ladies and gentlemen, you can be seated.

3 Mr. Bell, thank you for raising that. Does any  
4 defendant need to be excused for a brief break? Shall we take  
5 a break now?

6 MS. NECHELES: I need to be excused.

7 THE COURT: Thank you.

8 So let's take a short five-minute recess. When we  
9 come back, we'll bring back the jury. I'll see you all  
10 shortly.

11 MR. BELL: Thank you, your Honor.

12 (Recess)

13 THE COURT: Thank you. You can be seated.

14 Mr. Daniels, can you please bring the jury back in.

15 Counsel, while we're waiting for the jury to come in,  
16 it's my thought to end our trial day around 3:00. Mr. Bell, if  
17 you can try to aim for that time.

18 MR. BELL: I'll do what I can, Judge.

19 THE COURT: Good. If you want to extend beyond that,  
20 please let me know, but I want to try to end around then.

21 MR. BELL: Understood.

22 (Continued on next page)

IBQKGRA6

Rechnitz - Direct

1 (Jury present)

2 THE COURT: Thank you. Ladies and gentlemen, you can  
3 all be seated.

4 Thank you.

5 Mr. Bell, you can proceed.

6 MR. BELL: Thank you, your Honor.

7 BY MR. BELL:

8 Q. I believe that we just got 1033, 1101, and 1102 admitted.

9 MR. BELL: I'd like to publish 1033 to the jury. Can  
10 we go to the second page, please. Can we focus in on the two  
11 exchanges here.

12 Q. There's an email exchange between you and an Adam  
13 Westreich. Who is Adam Westreich?

14 A. A friend of mine.

15 Q. And Westreich writes, on October 22nd of 2013: "Just got  
16 ticket for an illegal right turn in Manhattan. Know anyone?"

17 What did you understand that to be a request for?

18 A. Ticket-fixing.

19 Q. You then say: "Yes. Plead not guilty and give me letter  
20 when it comes."

21 MR. BELL: Let's take that blowup box down and go to  
22 the first page and the bottom two or three volleys.

23 Q. Westreich responds: "Not guilty with no defense?"

24 You say: "Wait until Friday to respond. I'll tell  
25 you what to do. Stand by."

IBQKGRA6

Rechnitz - Direct

1 A couple of days pass, and Mr. Westreich writes three  
2 days later: "Just following up."

3 MR. BELL: Let's go to the top of the page.

4 Q. "Hate to be a pain. If nothing to be done, I'll hire an  
5 attorney."

6 And instead of Mr. Westreich hiring an attorney, you  
7 respond to Westreich and Reichberg: "Jeremy, meet Adam. He  
8 has an issue to discuss with you."

9 Prior to sending that email out, had you alerted  
10 Mr. Reichberg to this issue?

11 A. Yes.

12 Q. What had you told him?

13 A. Yes, I told him that Adam was a friend who needed  
14 assistance to get rid of his ticket, and he could be a charge  
15 case, he could make money on it.

16 Q. What did you mean by "a charge case"?

17 A. Jeremy could charge him money for it.

18 MR. BELL: Let's take that down, and let's go to 1101.  
19 Let's focus on the top half of the page, please.

20 Q. Westreich, as part of the same thread, says: "Thanks,  
21 Jona. Jeremy, nice to meet you. See attached ticket I  
22 received for illegal right turn onto Madison Avenue and 37th  
23 Street. Cop didn't seem to care that I am Hatzolah EMS or that  
24 I have a perfect driving record. Is this something you can  
25 help with?"

IBQKGRA6

Rechnitz - Direct

1                   What is Hatzolah?

2                   A.   The volunteer ambulatory service.

3                   Q.   Is that the same volunteer ambulance service that Nussy  
4                   Josephy was affiliated with?

5                   A.   Yes.

6                   Q.   Jeremy responds:  "Hi.  Do you have the name of the cop?"

7                   Westreich responds:  "No.  Can't make it out on the  
8                   ticket either.  He's from Precinct 17, and there is a badge  
9                   number."

10                  MR. BELL:  Can we put up 1102, please.  Can we go to,  
11                  I guess, the top two-thirds or so, from that point up.  A  
12                  little over.  Thanks.

13                  Q.   Westreich responds:  "Jeremy following up.  Can anything be  
14                  done?"

15                  Westreich responds:  "Should I just assume nothing can  
16                  be done from your end, and I will hire an attorney?"

17                  Mr. Reichberg responds:  "Sorry.  Are you available to  
18                  meet on Monday at 2:30 p.m., so I can discuss it with you?"

19                  Did you ever hear back from Jeremy as to how this  
20                  went?

21                  A.   No.

22                  MR. BELL:  Let's take that down.

23                  I want to put up for the witness Government Exhibits  
24                  1048 and 1065.

25                  Q.   Are you familiar with these email exchanges?

IBQKGRA6

Rechnitz - Direct

1 A. Yes, I am.

2 Q. Beginning with the one on the left, how are you familiar  
3 with it?

4 A. I'm in the email.

5 Q. Who is it between?

6 A. Shea Schwebel and myself.

7 Q. Who is Shea Schwebel?

8 A. A friend.

9 Q. That's January 18th of 2014.

10 The one on the right, 1065, are you familiar with that  
11 email?

12 A. Yes.

13 Q. Who is it to?

14 A. Between me, Shea, and Jeremy.

15 Q. And that is August 29, 2014.

16 MR. BELL: Your Honor, the government offers 1048 and  
17 1065.

18 MR. MERINGOLO: No objection.

19 MS. NECHELES: No objection.

20 Your Honor, can I just have the attachment? 1065.

21 THE COURT: Thank you.

22 Counsel for the United States, is there an attachment?

23 MR. BELL: These are both one-page documents.

24 THE COURT: Thank you.

25 I'm accepting 1048 and --



IBQKGRA6

Rechnitz - Direct

1 MS. NECHELES: Your Honor, we would object without the  
2 attachments. We would ask the attachments be included.

3 THE COURT: Thank you.

4 MR. BELL: May I briefly confer with Ms. Necheles and  
5 potentially save us a sidebar?

6 THE COURT: Thank you. Please take your time.

7 MS. NECHELES: Your Honor, we'll continue to discuss  
8 this later.

9 THE COURT: Thank you.

10 I'm accepting 1048 and 1065 into evidence.

11 You can proceed.

12 (Government's Exhibits 1048 and 1065 received in  
13 evidence)

14 MR. BELL: Thank you, your Honor.

15 Can we publish 1048 to the jury, please. Just 1048.  
16 Can we focus in on the bottom two. Actually, the bottom three.  
17 BY MR. BELL:

18 Q. So, on January the 17th of 2014, at 9:27, Schwebel writes:  
19 "Sorry to bother you with this. Got these two notices in the  
20 mail today. Let me know if you need me to do anything. Have a  
21 good shabbos. Shea."

22 Then there are two what appear to be attachments  
23 labeled "Suspension Notice" and some numbers.

24 Do you recall what these were?

25 A. I believe that they were suspension notices for his son who

IBQKGRA6

Rechnitz - Direct

1 got pulled over.

2 Q. You then say: "Perfect. I'll handle. Thanks."

3 And then a few hours -- well, that's at 12:25 p.m.

4 Then at 9:53 a.m., Jeremy Reichberg wrote: "I'll handle. Have  
5 a great Shabbos."

6 Do you recall, by the way, where you were in January  
7 of 2014?

8 A. I think I was in Los Angeles.

9 Q. Did you have an understanding of where Jeremy Reichberg  
10 was?

11 A. In New York.

12 Q. Is there a time difference between those two locations?

13 A. Three hours.

14 MR. BELL: Let's put that down. Rather, let's keep  
15 the exhibit up, sorry. Well, actually, yes, let's take the  
16 whole thing down. Thank you.

17 Can we put up 1065. Can we focus in on the bottom  
18 message, please.

19 Q. So in this email, Shea Schwebel writes, on August 9, 2014,  
20 at 4:08: "Got this in the mail. Hearing pushed off till  
21 6/30/15."

22 There is an attachment, or at least sign of an  
23 attachment, called "sheaschwebelhearingnotice.PDF."

24 What did you understand that to be, Mr. Rechnitz?

25 A. A notice pushing off his hearing.

IBQKGRA6

Rechnitz - Direct

1 Q. And what was the hearing related to?

2 A. His ticket.

3 MR. BELL: So let's jump out of that blowup box,  
4 Mr. Hamilton, but keep the exhibit up, please.

5 Q. There is an email from you to Shea Schwebel and Yirmi  
6 Reichberg. Who was Yirmi, with a Y, Reichberg?

7 A. Jeremy.

8 Q. That's just a smiley face. What was the message behind  
9 that smiley face?

10 A. That he was successful in pushing off the ticket hearing.

11 MR. BELL: Let's take that down.

12 Can we publish, just for the witness, what's been  
13 marked for identification as Government Exhibits 1063 and 1090.  
14 Can we focus in on the text of each.

15 Q. Are you familiar with these emails, sir?

16 A. Yes.

17 Q. How are you familiar with them?

18 A. I'm in the email.

19 Q. Who are they with?

20 A. A friend, Judah Wassner and Michael Wassner.

21 Q. Are Michael and Judah Wassner related in some way?

22 A. Father and son.

23 MR. BELL: The government offers 1063 and 1090.

24 MS. NECHELES: No objection.

25 THE COURT: Thank you, counsel.

IBQKGRA6

Rechnitz - Direct

1 MR. MERINGOLO: No objection.

2 THE COURT: Thank you.

3 I'm accepting 1063 and 1090 into evidence.

4 You can proceed.

5 (Government's Exhibits 1063 and 1090 received in  
6 evidence)

7 MR. BELL: Thank you.

8 Can we publish 1063 to the jury, please. Can we just  
9 focus in on the text.

10 BY MR. BELL:

11 Q. The bottom email is between Wassner and yourself. It says:  
12 "Hey Jona. Got pulled over by a Nazi state police on Friday  
13 for passing on the right. Totally not my fault. Long story.  
14 I'll tell you on the phone. Is there anything you can do about  
15 it? Let me know, please, because I have to respond or appear  
16 in two weeks. Sorry to bother you. Thanks."

17 You then forward that email to Jeremy Reichberg with a  
18 message: "To discuss."

19 What was your intention with respect to that  
20 August 12, 2014 email, "To discuss"?

21 A. For Jeremy to fix the ticket.

22 Q. Did you ultimately discuss it with Mr. Reichberg?

23 A. Yes.

24 Q. What, if anything, came of it?

25 A. I believe he was successful in getting rid of the ticket.

IBQKGRA6

Rechnitz - Direct

1 MR. BELL: Let's take that down, and let's look at  
2 1090.

3 BY MR. BELL:

4 Q. Are you familiar with wassnerjl@aol.com?

5 A. Yes.

6 Q. Whose email address is that?

7 A. Judah Wassner.

8 Q. This email was sent on April 7, 2013, to Jeremy Reichberg;  
9 "Subject: Status." Wassner writes: "Hope all is good. I'm  
10 just looking for the status of an old ticket of mine," and  
11 there are some numbers. Thanks, Judah Wassner."

12 Had you introduced Wassner to Reichberg prior to that  
13 point?

14 A. Yes.

15 MR. BELL: Let's take that down.

16 Let's put up for the witness Government Exhibit 1092.

17 Q. Are you familiar with this email?

18 A. Yes, I am.

19 Q. How are you familiar with it?

20 A. I was involved in the case. David Scharf reached out to me  
21 to get Jeremy involved.

22 MR. BELL: The government offers 1092.

23 MS. NECHELES: No objection.

24 MR. MERINGOLO: No objection.

25 THE COURT: Thank you.

IBQKGRA6

Rechnitz - Direct

1 I'm accepting 1092 into evidence.

2 You can proceed.

3 (Government's Exhibit 1092 received in evidence)

4 MR. BELL: Let's publish that, Mr. Hamilton.

5 BY MR. BELL:

6 Q. Mr. Rechnitz, did you know a person named Y. David Scharf?

7 A. Yes.

8 Q. Who is Mr. Scharf?

9 A. A friend and a former attorney of mine.

10 Q. Did he practice at a law firm called Morrison Cohen LLP?

11 A. Yes.

12 Q. So in the below email, Mr. Scharf writes to Jeremy

13 Reichberg: "J, the chairman of my law firm's son got clocked  
14 doing 96 miles per hour on 684 by a state trooper. Can you  
15 help?"

16 Mr. Reichberg writes: "For you, of course."

17 All of this on June 9th of 2013.

18 Did you have an understanding of Mr. Scharf and  
19 Mr. Reichberg having dealings with each other?

20 A. Just through me, yes.

21 MR. BELL: Let's take that down.

22 Can we put up, just for the witness, Government  
23 Exhibit 1106.

24 Q. Do you know an individual named Seymour Huberfeld?

25 A. I think it's an English name. Huberfeld, I'm not sure.

IBQKGRA6

Rechnitz - Direct

1 Q. Generally, did you know the Huberfeld family?

2 A. Yes.

3 Q. What members of the Huberfeld family were you closest to?

4 A. Marie and Laura, but I now realize who Seymour is.

5 Q. And did you know him?

6 A. Yes.

7 Q. Was he known by other names?

8 A. Shalom.

9 Q. Did you have an understanding of there being a relationship  
10 at this point between Mr. Reichberg and Mr. Huberfeld?

11 A. Yes.

12 Q. And what role, if any, did you have in bringing that  
13 relationship into being?

14 A. I introduced them.

15 MR. BELL: The government offers 1106.

16 MS. NECHELES: No objection.

17 MR. MERINGOLO: No objection.

18 THE COURT: Thank you.

19 I'm accepting Exhibit 1106 into evidence.

20 (Government's Exhibit 1106 received in evidence)

21 MR. BELL: We're publishing that, Mr. Hamilton, to the  
22 jury as it's on the screen.

23 BY MR. BELL:

24 Q. This is an email from Seymour Huberfeld, or Shalom  
25 Huberfeld, on November 5, 2013, at 6:30 p.m., to Jeremy

IBQKGRA6

Rechnitz - Direct

1 Reichberg; "Subject: My wife's tickets."

2 Huberfeld says: "Hearing is on November the 8th. Are  
3 you taking care of this, or does my wife need to go?"

4 Mr. Rechnitz, did you even have a role in putting  
5 Seymour Huberfeld and Jeremy Reichberg together for purposes of  
6 this ticket?

7 A. No.

8 Q. Did you understand that at times -- did you have an  
9 understanding that at times persons you had introduced  
10 Reichberg to would contact him without going through you?

11 A. Yes.

12 MR. BELL: Let's take that down.

13 At this time, the government would offer Government  
14 Exhibit W-04026. This is a wiretap conversation pursuant to  
15 the wiretap stipulation.

16 THE COURT: Thank you.

17 Counsel?

18 MS. NECHELES: One minute, your Honor?

19 No objection, your Honor.

20 MR. MERINGOLO: No objection, Judge.

21 THE COURT: Thank you.

22 I'm accepting W-04026 into evidence.

23 You can proceed.

24 (Government's Exhibit W-04026 received in evidence)

25 MR. BELL: One moment, please?



IBQKGRA6

Rechnitz - Direct

1 (Pause)

2 MR. BELL: So with the Court's permission, I would ask  
3 the jury to go back to their binders, go to tab W-04026, 4026.  
4 If you're having a good time with the screens, I suppose you  
5 could also just follow along with the screens. 4026-T, which  
6 corresponds with 4026, just admitted.

7 With the Court's permission, I'd ask to have that call  
8 played. It's a February 24, 2015 call at 4:43 p.m. between  
9 Mr. Reichberg and Mr. Rechnitz.

10 BY MR. BELL:

11 Q. Mr. Rechnitz, you can follow along on the screen.

12 MR. BELL: If everybody's got it -- great.

13 Go ahead, Mr. Hamilton.

14 (Audio playback)

15 Q. So, Mr. Rechnitz, at this point, when you and Mr. Reichberg  
16 are discussing lifting a suspension, and putting it back on the  
17 calendar, and dollar figures, what are you discussing here?

18 A. We're discussing a ticket for my friend's son.

19 Q. What is it that the money that's being mentioned is for?

20 A. To pay somebody \$500 to get rid of the ticket in addition  
21 to fees that have to be paid to the state.

22 Q. What kind of somebody do you understand the somebody to be,  
23 Mr. Rechnitz?

24 A. I believe it to be somebody in the NYPD.

25 MR. BELL: Now let's take that down.

IBQKGRA6

Rechnitz - Direct

1 Q. In the time we have remaining, I'd like to ask you some  
2 questions about some specific things that you and Mr. Reichberg  
3 did for Mr. Grant.

4 Did you know where Grant lived?

5 A. Yes.

6 Q. Where did he live?

7 A. Staten Island.

8 Q. And what, if anything, were you aware of either yourself or  
9 Jeremy doing with respect to Grant's house?

10 A. We had paid for some railing work to be done on his house  
11 and something to do with some windows.

12 Q. What conversations, if any, do you recall having with  
13 Mr. Reichberg about the railings?

14 A. I remember not wanting to pay for it, it was something  
15 around \$6,000, and Jeremy said: No, we got to do it for him.  
16 He's been good to us, he's expecting it. I would do it if I  
17 could to it on my own. I just don't have the money. We got to  
18 do it. I already committed.

19 Q. Did you lay out money for the railings?

20 A. Yes.

21 Q. In what form?

22 A. I don't remember how I paid, but probably cash. I only  
23 paid for part of it.

24 Q. Who did you understand was going to be paying for the rest?

25 A. Jeremy.

IBQKGRA6

Rechnitz - Direct

1 Q. You also mentioned windows. To what extent did you and  
2 Mr. Reichberg discuss windows?

3 A. The house that Jeremy wanted some work done for some  
4 windows, and I did not want to partake in that.

5 Q. Did Mr. Reichberg ask you to partake in that?

6 A. Yes.

7 Q. What, if anything, came of that?

8 A. Nothing that I'm aware of. I just know that the railing  
9 got done.

10 Q. Now, you testified earlier that you got James Grant an  
11 upgrade on a watch. How did you come to do that, Mr. Rechnitz?

12 A. We had -- it had been known from Jeremy that I purchased  
13 some watches for other people, so Jimmy one day came down to  
14 meet us, and he said, do I know any watch store we could trade  
15 a Breitling for another watch. So as he came to the store, I  
16 saw the watch he wanted to buy and what he wanted to trade in,  
17 and, ultimately, he traded his watch, and I paid the difference  
18 for him as a gift.

19 Q. About what was the difference?

20 A. Under a thousand dollars.

21 MR. BELL: Can we put up Government Exhibit 915,  
22 please, which I believe is already in evidence.

23 MR. MERINGOLO: Judge, can we get a time frame when  
24 this happened?

25 THE COURT: Thank you.

IBQKGRA6

Rechnitz - Direct

1 Counsel, you can proceed.

2 MR. BELL: Thank you.

3 Can we put up Government Exhibit 915, please.

4 BY MR. BELL:

5 Q. Let's get a time frame. Let's focus in on the top half of  
6 this.

7 Well, first of all, are you familiar with the  
8 transaction memorialized in this paperwork?

9 A. Yes. This is the transaction we just spoke about.

10 Q. According to this document, when did it happen?

11 A. December 24th, 2015.

12 Q. Does that accord with your memory?

13 A. I don't remember exactly when it was.

14 Q. Now, it says here -- withdrawn.

15 And so it says: "Paid Difference: 800."

16 What do you understand that to be referring to?

17 A. The \$800 difference I just spoke about between the trade-in  
18 and the new watch.

19 MR. BELL: Can we zoom back out, Mr. Hamilton.

20 Q. Now, I want to show you what's in evidence now -- hang on a  
21 second.

22 (Counsel confer)

23 MR. BELL: I'd like to approach the witness and hand  
24 him what I believe is already in as Defense Exhibit JR-9201.

25 THE COURT: Please proceed.

IBQKGRA6

Rechnitz - Direct

1 BY MR. BELL:

2 Q. Have you gotten the opportunity to review that exhibit  
3 prior to your testimony right now?

4 A. Yes.

5 Q. That exhibit has already been entered in as a compilation  
6 of records of transactions you were involved in with Motion In  
7 Time.

8 To your knowledge, does that collection include every  
9 transaction that you had with Motion In Time?

10 A. No.

11 Q. Are there transactions missing?

12 A. Yes.

13 Q. What transactions are missing?

14 A. The Breitling I bought for Dave Colon, the Breitling I  
15 bought for Fernando Mateo, other watches. A Rolex, I notice,  
16 is missing.

17 Q. Generally, when you did business with Motion In Time, how  
18 did you pay?

19 A. Sometimes by check, sometimes credit card, sometimes cash.

20 Q. Are there transactions within there -- and I'd ask you to  
21 review the exhibit -- that you paid for in cash?

22 A. Any of the ones I could recall for cash, I don't see here.

23 Q. Thank you.

24 So just so we have an understanding of the complete  
25 picture, do you recall purchasing watches or upgrades on

IBQKGRA6

Rechnitz - Direct

1 watches for officers other than David Colon and Jimmy Grant?

2 A. Yes.

3 Q. Who?

4 A. Steve McAllister.

5 Q. What did you get for Mr. McAllister?

6 A. A Chopard watch.

7 Q. Is that transaction in there; that is, the defense exhibit?

8 A. I believe so.

9 Q. Can you locate it, if it is, and just tell us what page  
10 it's on?

11 A. The second -- the second page.

12 Q. Thank you.

13 Now, did there come a time when you took officers on a  
14 private jet trip to Las Vegas?

15 A. Yes.

16 Q. Approximately when was that?

17 A. For the Super Bowl in 2013.

18 Q. In twenty what year?

19 A. I think it was 2013 -- 2014.

20 Q. And how did you get there?

21 A. Private jet.

22 Q. Who made arrangements for the private jet?

23 A. I did.

24 Q. About how much did it cost you?

25 A. About 30, 35 thousand dollars.

IBQKGRA6

Rechnitz - Direct

1 Q. Did you make the arrangement through a particular company?

2 A. Yes.

3 Q. What company was that?

4 A. Apollo Jets.

5 Q. How long were you in Vegas once you got there?

6 A. Just for the Super Bowl, in and out, overnight.

7 Q. Who did you take with you?

8 A. Marco Franco, Jeremy Reichberg, Mike Milici, James Grant,  
9 and Gabi Grecko.

10 Q. Who did you understand Gabi Grecko to be?

11 A. A prostitute.

12 Q. And who is Marco Franco?

13 A. A friend of mine.

14 Q. How did Marco Franco wind up on the trip?

15 A. I had invited him to come along.

16 Q. How did Jeremy Reichberg and the officers come to join you  
17 on that trip?

18 A. Jeremy had told me that Jimmy Grant wanted to come on the  
19 trip, he really wanted to come see the Super Bowl in Vegas with  
20 us. And I explained to Jeremy that this was a one-time a year  
21 that I go and I meet from friends from L.A., it's my break to  
22 get away, and I didn't want a cop or cop world with me there,  
23 and that I would not be hanging out with them, and I thought it  
24 was a bad idea.

25 Q. What was the response that you got?

IBQKGRA6

Rechnitz - Direct

1 A. He said: No, we're going to watch it on our own. We won't  
2 be in your way. I already told him he can come. Let's go,  
3 come on. So I agreed.

4 Q. Did you, in fact, travel with Jeremy and other persons he  
5 brought along?

6 A. Yes.

7 Q. And who did he bring along?

8 A. Mike Milici, Gabi Grecko, and Jimmy Grant.

9 Q. Did you know Gabi prior to your boarding the private plane?

10 A. No.

11 Q. Had you traveled with Mike Milici before?

12 A. Yes.

13 Q. Where to?

14 A. The Dominican Republic.

15 Q. What was your understanding of why Jimmy Grant was being  
16 brought along for that trip?

17 A. He wanted a trip to get away, and it was something as a  
18 gift, to take along -- to take him along for an all expense  
19 paid trip.

20 Q. How about Milici?

21 A. Same thing.

22 Q. And whose idea was each of those things?

23 A. Jeremy's.

24 Q. Who was -- as per Marco Franco, whose idea was it to bring  
25 him along?



IBQKGRA6

Rechnitz - Direct

1 A. Mine.

2 MR. BELL: We are nearing a good stopping point, I  
3 think. We can ask more about the trip tomorrow.

4 THE COURT: Good. That's fine.

5 So, ladies and gentlemen, it's about 3:00 o'clock.  
6 I'm going to propose that we end our trial day now. During  
7 this break, as always, ladies and gentlemen, please don't  
8 discuss the case at all amongst yourselves, don't discuss it or  
9 communicate about it with anyone else, and don't do any  
10 research about the case. To the extent you see any press about  
11 the case, don't read it or pay any attention to it.

12 I'll see you all tomorrow. Thank you very much.

13 (Continued on next page)

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IBQKGRA6

Rechnitz - Direct

1 (Jury not present)

2 THE COURT: Thank you, ladies and gentlemen. You can  
3 be seated.

4 Mr. Rechnitz, thank you for your testimony today. You  
5 can step down. Please be prepared to recommence tomorrow  
6 morning no later than 9:00.

7 So, counsel, I'd like to talk about a few things.  
8 First, are there any issues that any party would like to raise  
9 with the Court?

10 First counsel for the United States?

11 MR. BELL: I don't think so, your Honor. Oh, wait.

12 MS. LONERGAN: Your Honor, one moment. If we are  
13 actually going to discuss things, would it be okay for our  
14 paralegals to put some transcripts into the jury's transcript  
15 binders during this discussion right now?

16 THE COURT: Thank you.

17 Has the defense seen them and agreed that they are  
18 accurate?

19 MS. LONERGAN: They were produced to the defense, yes,  
20 your Honor.

21 MR. MERINGOLO: When?

22 MS. LONERGAN: Your Honor, actually, we'll wait to do  
23 it till tomorrow, if that's okay with the Court.

24 THE COURT: That's fine. I don't mind at all you  
25 taking the time. I just want to make sure that the defense is

IBQKGRA6

Rechnitz - Direct

1 also in agreement that those should be made.

2 Counsel, any other comments or issues that you'd like  
3 to bring to my attention?

4 First, counsel for Defendant Reichberg?

5 MS. NECHELES: Your Honor, I have a little  
6 housekeeping matter.

7 THE COURT: Please proceed.

8 MS. NECHELES: I would just request that lawyers from  
9 my office or investigators be allowed to sit in the front row,  
10 as traditionally the lawyers are. For some reason, it's  
11 labeled government.

12 THE COURT: Thank you.

13 Are there additional lawyers or people working with  
14 your office who would like to sit there?

15 MS. NECHELES: Yes.

16 THE COURT: We may be able to move you forward a  
17 table. I'll talk with the people that make dispositions of the  
18 seating arrangements.

19 MS. NECHELES: Part of the reason I would ask that for  
20 the lawyers -- I understand that they didn't want family  
21 members sitting there -- so that I can talk to them, if I need  
22 to.

23 THE COURT: Thank you.

24 Let me consider that issue, and I will come back to  
25 you --

IBQKGRA6

Rechnitz - Direct

1 MS. NECHELES: Thank you.

2 THE COURT: -- on it promptly.

3 MS. NECHELES: Lawyers or paralegals.

4 THE COURT: Thank you. Understood. Again, there's an  
5 extra table that's available at the front, and it may be that  
6 we can move you forward, and place your legal assistants also  
7 at the back table, and continue to reserve the bench in the  
8 audience.

9 Counsel for Mr. Grant, any issues you'd like to raise?

10 MR. MERINGOLO: No, nothing.

11 THE COURT: So, counsel, just a couple of things that  
12 I'd like to talk about.

13 First is the limiting instruction that I described  
14 briefly at the sidebar. We've discussed this issue previously.  
15 I've now heard what I understand will be Mr. Rechnitz's  
16 testimony regarding alleged -- I'll say his and Mr. Reichberg's  
17 participation allegedly with Mr. Offinger and the office of the  
18 mayor. The issue that I'd like to discuss is the propriety of  
19 a limiting instruction to make it clear to the jury that the  
20 type of conduct that we just heard testimony about; namely,  
21 campaign donations and campaign donations with some expectation  
22 of that politician will help to arrange meetings and the like  
23 is not itself a criminal act.

24 I don't think that that's a question, as a matter of  
25 law, after McDonnell. My concern is that the jury, having

IBQKGRA6

Rechnitz - Direct

1 heard that testimony in the midst of a series of comments about  
2 other acts, may take that conduct as itself being illegal,  
3 improper conduct. I described the conduct separate and apart  
4 from the strawman donations that were described by  
5 Mr. Rechnitz, which I understand to more clearly potentially be  
6 a violation of law.

7 But, counsel for the United States, I'd like to hear  
8 your views. I'm looking at the defendants' proposed limiting  
9 instruction and Attachment B to their October 25th letter,  
10 which specifically addresses this issue. Now that I've heard  
11 the testimony, I am concerned, as I said, that the jury may  
12 take that conduct as having been illegal as opposed to not  
13 illegal. I'd like to take up the question of whether I should  
14 amplify the limiting instruction that I previously provided  
15 with respect to Mr. Rechnitz's testimony.

16 (Continued on next page)

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IBQTGRA7

1 MR. BELL: Thank you, Judge.

2 Judge, our issues are the same as what they were  
3 before, but I think it's important to properly appreciate  
4 Mr. Rechnitz's testimony, first and foremost, particularly now  
5 that it's in.

6 Let's be clear, Mr. Rechnitz testified as to having an  
7 explicit understanding with Mr. Reichberg and developing an  
8 explicit understanding with a representative of a future  
9 political official that he would in fact get action,  
10 specifically get action, not just access, action in response to  
11 those campaign donations.

12 Now we recognize that this sort of quid pro quo  
13 operates differently than it would, say, as to Mr. Seabrook in  
14 the private honest services realm, because there are First  
15 Amendment issues with the donations. But even with those,  
16 let's be clear, the question is whether or not there is an  
17 explicit exchange, A, of actual official action, B, and both we  
18 respectfully but strenuously submit are fulfilled by the  
19 testimony.

20 Mr. Rechnitz testified as to several specific ways in  
21 which he benefited in with respect to the preschool issue on  
22 the Upper East Side in which the people affiliated with that  
23 preschool were involved with an issue of whether or not they  
24 would have to close, per direction of the city, that Ross  
25 Offinger fixed that issue. The water bill being lowered, which

IBQTGRA7

1 is about as official an action as you can have, for the Sunset  
2 Park property that Mr. Rechnitz described, is something that he  
3 also specifically described.

4 THE COURT: Just to pause you --

5 MR. BELL: Sure.

6 THE COURT: -- with respect to the preschool issue,  
7 Mr. Rechnitz testified that the preschool was allowed to stay  
8 in the space.

9 With respect to the others, my recollection of the  
10 testimony was that Mr. Rechnitz stated that Ross put the  
11 relevant people in touch with the departments to get an answer  
12 regarding various issues. He responded in that way with  
13 respect to the history of the series of issues that were  
14 described.

15 MR. BELL: That was true, your Honor, with respect to  
16 Ocean Parkway property, another area that Rechnitz talked about  
17 in that same litany, but the testimony involving lowering the  
18 water bill is not only unequivocal in terms of his actually  
19 getting a result, but unequivocal in terms of whether that  
20 constitutes an act.

21 Moreover, even before you get to the ways in which  
22 Mr. Rechnitz and persons associated with him were able to cash  
23 in as a result of that arrangement, you have still got the  
24 issue of conspiracy. And if the conspiracy exists, if the  
25 agreement exists where we are going to get actual results on

IBQTGRA7

1 the official action front as a result of the donations that  
2 we're making, then we're still stuck in the exact same place  
3 that we were, which is even understanding the more stringent  
4 limitations as they apply to political donations, how is this  
5 not illegal? Even post *McDonald*, how is that not illegal?

6 The solution to us --

7 THE COURT: Counsel, so it's clear to the United  
8 States Attorney's Office, I don't understand in this instance  
9 why it is that the government seeks to put on evidence here of  
10 these uncharged acts in this case with respect to this conduct.  
11 And the issue here, as I understand it, is that the government  
12 wishes to put on evidence that this set of conduct is itself  
13 illegal and violates the law. If you're not taking that  
14 position, it's not clear to me why it is that the kind of  
15 limiting instruction described by the defendants in the  
16 Attachment B to the original letters, is inappropriate here in  
17 order to eliminate possible confusion by the jury since you're  
18 not asking them to find that this conduct was itself illegal.

19 MR. BELL: There are a couple of reasons, your Honor.  
20 One of them is something that we have done our part to try to  
21 dance elegantly around but is still an issue, and it's an issue  
22 that we fronted to the Court before, which is that this is  
23 conduct that Mr. Rechnitz admitted to as part of his guilty  
24 plea.

25 There is the still-lingering concern that what will



IBQTGRA7

1 happen now is on cross-examination either Ms. Necheles or  
2 Mr. Meringolo or both are going to essentially ask a line of  
3 questioning that will suggest that Mr. Rechnitz, in his zeal to  
4 please the government, pled guilty to things that weren't  
5 actually crimes. If we're foregoing that sort of testimony  
6 entirely, and if we can get that representation from the  
7 defense, then it's a slightly different issue. But these are  
8 things that he pled guilty to. And if they are going to elicit  
9 that fact on cross, then it's still a problem, and whether or  
10 not that is still legal still matters.

11 In addition to that, the reasons why we wanted to go  
12 into this de Blasio or this political world generally concern  
13 the fact that all of this was happening in the way that we  
14 described sort of apiece. But we had very little choice but to  
15 go in greater depth here once the defense said that no matter  
16 what they would bring this stuff out for impeachment purposes  
17 because they don't believe it actually happened or they intend  
18 to prove that it didn't actually happened.

19 We have reached a point, your Honor, where, as a  
20 result of the defense proposal, we were going to just excise  
21 that whole thing. That's not something that we can't do. But  
22 more importance than that, on a very basis level, these are  
23 offenses that Jona Rechnitz committed. These are offenses that  
24 he understood to be offenses at the time that he gave his  
25 guilty plea, and nothing within the analysis that we have

IBQTGRA7

1 gotten from the defense nor in what he has told us so far does  
2 anything dislodge that, so it would be legal error to tell the  
3 jury otherwise.

4 We can certainly tell the jury exactly what it was  
5 that the government has proposed from the very beginning: One,  
6 that Mr. Reichberg is not on trial for this conduct, that no  
7 one is on trial for that conduct; two, that it is not their  
8 concern whether it's against the law or not.

9 We're not putting it in to establish that it is  
10 illegal as a matter of law. We're putting it in for the  
11 reasons that I just enumerated. And for those reasons, our  
12 instruction, as originally proposed, seems by far the more  
13 correct way to go about doing this.

14 To have a pronouncement from your Honor that this  
15 conduct is legal, I think would be, A, very probably wrong as a  
16 factual matter, B, open the door to a confusing issue involving  
17 Jona Rechnitz's plea allocution, which is exactly what we  
18 feared would happen before and part of the reason why we were  
19 willing to adopt that carved out solution, and C, would also  
20 like needlessly delve into an issue that need not be the jury's  
21 concern. The jury can determine whether Mr. Reichberg and  
22 Mr. Grant committed the charges in the superseding indictment  
23 without making a determination as to whether their political  
24 ventures were illegal or not. The important thing, I think, is  
25 that they happened.

IBQTGRA7

1 THE COURT: Thank you. Fine.

2 Counsel?

3 MS. NECHELES: Your Honor, I don't want to go back  
4 through old history, but I believe that the government never  
5 came to us with a proposal that they were going to leave the  
6 mayor stuff out.

7 Putting that aside, we do intend to cross on the  
8 substance of this to show that none of these favors that we  
9 supposedly got were favors that were given by anybody. We will  
10 show exactly how they -- Mr. Reichberg accomplished these  
11 things, none of which was calling up Ross Offinger.

12 Your Honor, there was a year-long investigation into  
13 all of this by this office. They decided not to indict  
14 anybody. There's a reason they decided not to indict anybody.  
15 Everybody in the mayor's office and in all these divisions said  
16 this didn't happen. It didn't happen the way the government is  
17 trying to portray it here, the way that Mr. Rechnitz -- there's  
18 a reason that Mr. Reichberg was never indicted for bribing the  
19 mayor. There's a reason the mayor wasn't indicted and  
20 Mr. Offinger wasn't indicted. If they believed his testimony  
21 and if they had supporting evidence, all of these people would  
22 be indicted.

23 It's particularly pernicious because they put things  
24 like the Fernando Mateo stuff in. And even if you believe the  
25 Fernando Mateo stuff, it's not a crime to say I want to be

IBQTGRA7

1 appointed to a committee, which is not a government committee,  
2 if I give you this money. It's not a crime, but it sounds like  
3 a crime because it's all so murky. It's not an official act to  
4 get promoted, to get appointed to your transition committee or  
5 your inaugural committee. It's not a crime. But how does the  
6 jury know that if they're not being told that it's not a crime?

7 As your Honor pointed out, the only one that there's  
8 even a colorable claim, colorable, is with respect to the  
9 school. And even that claim it seems to come down to yes, he  
10 got -- he called people to get this, to have him meet with them  
11 and to get action, but not that he told somebody you need to do  
12 this. And the reason there is no evidence that he told  
13 somebody you need to do this is because it didn't happen. All  
14 these people have been interviewed by the government and they  
15 know it didn't happen.

16 So we do ask, we continue to ask that they be told  
17 that this is not a crime, what is being described here. It  
18 certainly is really troubling, because what the government does  
19 is they put somebody on the stand like this to basically  
20 bolster their argument there was criminality done here. He  
21 testified I did this crime and I pled guilty to it, so you know  
22 it's a crime, and I did it with Jeremy Reichberg.

23 And they're asking your Honor to basically go along  
24 with that when there is real questions about whether there was  
25 a crime. They're saying you can't interfere with that, Judge,

IBQTGRA7

1 that would interfere with the cross. But they're bolstering  
2 this. They're bolstering it by having somebody who is in their  
3 power testify. They didn't have to elicit this testimony at  
4 all. They could have left this out, but they wouldn't go  
5 there, so now they want to bolster it.

6 But I don't think it is a crime, your Honor. We said  
7 it repeatedly. I do not believe it's a crime. I believe this  
8 person pled guilty before *McDonald* came down. The evidence  
9 that he is describing is stuff that maybe prior to *McDonald*  
10 someone would have been convicted on, but afterwards, to say  
11 that Fernando Mateo said that I want to be on a committee and  
12 I'm going to give a lot of money and it's not a government  
13 committee, it's a private committee, that's not a crime.  
14 That's how people got on those committees was by giving a lot  
15 of money.

16 In addition, your Honor, when the government talks  
17 about a conspiracy, this stuff is really confusing, the  
18 election law stuff, but I don't believe that if Fernando Mateo  
19 and Jeremy and Jona got -- oh, this is what we want and they  
20 never say it, that doesn't make it a crime, because that would  
21 miss part of the elements of a conspiracy. They have to  
22 actually tell it to the person, to the campaign official. They  
23 can't just think oh, we're going to give this money and we  
24 expect this in return, because that's not a crime. That  
25 doesn't have -- you're not conspiring to do all the elements.

IBQTGRA7

1 They have to conspire to actually tell the mayor or the city  
2 official we're giving this money to enable to get it.

3 And there's no -- I mean he said that happened, but  
4 what he says is we said we're giving you this money in order to  
5 get somebody to meet with us or to give us results. What's  
6 results? Like getting an answer on things is results. And you  
7 will see that a lot of these he got a no answer.

8 When the government elicited from this person I wanted  
9 to be on the committee, and he testified I wanted to be on the  
10 committee and I got on the committee, that's not what the  
11 evidence will show. It will show he didn't get on the  
12 committee. Time after time it's like that, so we have to fight  
13 all this. But it's not a crime for him to have thought I want  
14 them to do this, to have this expectation, I want to get  
15 results and give campaign money. That's exactly, I think, what  
16 *McDonald* says.

17 THE COURT: Thank you.

18 Counsel for Mr. Grant?

19 MR. MERINGOLO: Nothing.

20 THE COURT: Thank you.

21 Counsel for the United States?

22 MR. BELL: Judge, there are a number of statements  
23 that Ms. Necheles made that are simply wrong, and it's  
24 important to correct the record as to these.

25 Number one, Ms. Necheles has absolutely no insight

IBQTGRA7

1     whatsoever as to why the government did or did not charge  
2     anyone as a result of its wide-ranging investigation into Mayor  
3     de Blasio's fund raising practices, an investigation that went  
4     well beyond Messrs. Reichberg and Rechnitz. She doesn't. She  
5     can claim to, and she takes -- it's not an infrequent thing for  
6     Ms. Necheles to say this is why the government doesn't do this,  
7     this is why. She doesn't know.

8             MS. NECHELES: Your Honor, could I ask again that  
9     Mr. Bell not make personal attacks?

10            THE COURT: Sorry, please, Ms. Necheles, allow  
11     Mr. Bell to complete his comment.

12            MR. BELL: Thank you. It's not a personal attack if  
13     I'm commenting on what she claims to know and what she can't  
14     and she doesn't. It's not some sort of commentary on whether  
15     or not that action is in fact illegal. The fact of the matter  
16     is that the United States Attorney's Office declines to  
17     prosecute individuals and entities for a wealth of reasons  
18     beyond simply whether the requisite elements exist.

19            Number two, Ms. Necheles on a number of occasions  
20     mischaracterized what the official action supposedly here would  
21     have been not only to the conspiracy that existed as to -- or  
22     the agreement that existed as to how Mr. Rechnitz and  
23     Mr. Reichberg would treat their fund raising with the mayor and  
24     whether they would get a result, but also with respect to that  
25     Fernando Mateo email.

IBQTGRA7

1           Let's start with that email, which in addition to  
2 being -- in addition to involving getting placed on a committee  
3 where Ms. Necheles cherry picked the most post-*McDonald*  
4 friendly item there, they also talk about the actual  
5 appointment of police chaplains by the city, which is official  
6 action post-*McDonald*, which has always been official action,  
7 which was official action at the time of Mr. Rechnitz's plea.

8           And so it is a fascinating thing that every time this  
9 thing has got to be argued Ms. Necheles mischaracterizes the  
10 record as to what the agreement was, and now as to what  
11 Mr. Rechnitz's testimony and the other evidence was on that  
12 score.

13           She also says that there is some sort of requirement  
14 that Mr. -- that the would-be recipient of the political  
15 largess, de Blasio or Offinger or whoever, has to be an active  
16 member of the conspiracy. There is no law to that effect. If  
17 Mr. Reichberg and Mr. Rechnitz got together and said hey, let's  
18 bribe the mayor, let's commit honest services fraud, and it  
19 never goes beyond there but they take the requisite steps to do  
20 so, it's still a crime as to Mr. Rechnitz and still a crime as  
21 to Mr. Reichberg.

22           So look, the other idea -- I'm running -- I can't  
23 count the falsehoods that came out of that statement, but one  
24 of them, the last important one that I want to address, your  
25 Honor, is that it's the government who is fueling this voyage



IBQTGRA7

1 into the political activity. To be clear, we offered to take  
2 this stuff out. We offered to sign onto a defense proposal  
3 that they then reneged on in order to take this stuff out. The  
4 defense has said we intend to offer all of this stuff for  
5 impeachment and other purposes. There's not much we can really  
6 do at that point. And moreover, that stuff again comes in as  
7 background, but in the way that Giglio customarily does.

8 None of what Ms. Necheles says does anything to  
9 undercut the government's concerns about the fact that this is  
10 all conduct that Mr. Rechnitz allocuted to as part of his  
11 guilty plea. None of this does anything to undermine the  
12 crystal clear testimony post-lunch of Mr. Rechnitz today that  
13 he and Reichberg spoke to Ross Offinger and explicitly,  
14 explicitly linked the benefits that they expected to receive --  
15 not yet specified, not yet known, but benefits of actual  
16 action -- with the fund raising work that they were going to  
17 do.

18 And so again, even post-*McDonald* and even in a world  
19 where the First Amendment mandates that these crimes related to  
20 political donations are viewed through a somewhat narrower  
21 lens, you're still looking at conduct that is legally  
22 problematic.

23 What Ms. Necheles hasn't said at any point when we  
24 first raised this prior to trial, or in raising this today, is  
25 why it is that the jury has to adjudicate that those things are

IBQTGRA7

1 actually crimes. They don't. The limiting instruction that we  
2 have proposed from the very beginning is an entirely  
3 appropriate starting and stopping point for their  
4 considerations because they are being charged with determining  
5 whether those things were legal.

6 MS. NECHELES: Your Honor, I don't want to repeat  
7 stuff, but I do want to say that with respect to chaplain  
8 position, I don't believe that post-*McDonald* that that would be  
9 a crime. I believe that appointing someone to a ceremonial  
10 position which carries no salary is not clearly an official act  
11 under *McDonald*.

12 When you describe an official act under *McDonald*, it's  
13 not anything that an official does, it involves a controversy,  
14 a decision that needs to be made, all that language in  
15 *McDonald*. I mean we're going to have to discuss this in this  
16 case with respect to how getting someone into a parade is an  
17 official act. It's not an act that an official does, it's an  
18 act that has been described by the Supreme Court to  
19 circumscribe, and so I don't think that appointing somebody to  
20 a ceremonial position is necessarily an official act.

21 But the problem here is -- and I don't think that we  
22 need to litigate it here, actually, because it's so off the  
23 beaten path. We're not even charged with this as a crime. The  
24 problem is the government is telling the jury that we committed  
25 a crime by having --

IBQTGRA7

1 Don't shake your head, Mr. Bell, please.

2 -- by having the witness testify that I pled guilty to  
3 this criminal act. This is a criminal act. I pled guilty to  
4 it in front of a judge in this courthouse and Mr. Reichberg did  
5 this criminal act with me. Of course they're telling him that  
6 it's a crime.

7 THE COURT: Thank you. Understood. You haven't yet  
8 seen my proposed instructions. I suspect that will you soon.  
9 Among them I believe is a customary instruction that those  
10 witnesses, such as Mr. Rechnitz, who pleaded guilty to an  
11 offense, that that is not something that the jury can, I will  
12 say consider for the truth of the underlying conduct, namely I  
13 will be saying that the reasons that any person pleads guilty  
14 to a crime are personal to them. I will show you that proposed  
15 instruction perhaps sooner than later so that you can see that.

16 I have heard your arguments. Thank you, counsel, for  
17 reviewing these issues again. I think it may be appropriate  
18 for me to come back to the limiting instruction that I provided  
19 earlier. I accept the government's arguments that I cannot  
20 conclude definitively on the basis of the testimony that I have  
21 heard now that the conduct at issue here is not a sufficient  
22 basis for a finding of criminal liability. So I am again  
23 hesitant to provide such an instruction, but I will want to  
24 return to the instruction I provided earlier and I may suggest  
25 providing a short version of the instruction that I described

IBQTGRA7

1 earlier about the effect of guilty pleas.

2 MR. BELL: Your Honor, could we note one thing with  
3 respect to the guilty plea --

4 THE COURT: Please.

5 MR. BELL: -- that's important, because there was one  
6 other thing that Ms. Necheles said that needed to be addressed  
7 for the record, and specifically so that your Honor can fashion  
8 an appropriate instruction.

9 We did not today ask Mr. Necheles -- sorry, ask  
10 Mr. Rechnitz about whether he allocated to the de Blasio  
11 conduct as part of his guilty plea. Ms. Necheles said earlier  
12 that we did. We didn't. So to the extent that your Honor  
13 needs to have those facts in order to fashion an appropriate  
14 instruction or to avoid going somewhere where we don't need to  
15 go, it's important that that be noted, because that's how that  
16 actually turned out. That is the one area, your Honor, where  
17 we deliberately tiptoed around following our lengthy back and  
18 forth on this issue.

19 THE COURT: Thank you. I did note that, and I also  
20 noted the relatively limited scope of the testimony that you  
21 elicited regarding Mayor de Blasio during the direct.

22 MS. NECHELES: Your Honor I believe he testified  
23 previously, I believe, that -- I mean he testified in his  
24 allocution, he says a public official. I believe he's  
25 testifying that that was de Blasio, and I'm going to ask him

IBQTGRA7

1 that you have testified -- I'm going to check this prior  
2 testimony, but I thought that was his testimony, and I'm going  
3 to ask him because his testimony today makes that a ridiculous  
4 plea.

5 MR. BELL: Your Honor, if they do elicit that, that is  
6 a strategic choice, the ramifications of which the defense is  
7 going to have to live with. But I think it would behoove all  
8 of us, the parties, the Court, to think about what precise  
9 Pandora's box that would open up --

10 THE COURT: That's fine.

11 MR. BELL: -- and the overwhelming likelihood of jury  
12 confusion, among other issues, if that is something that  
13 actually has to be litigated through the witness, as it were.

14 THE COURT: That's fine.

15 MS. NECHELES: Your Honor, I don't understand that.

16 THE COURT: I will ask that the parties discuss  
17 exactly the depth of Pandora's box after the end of today's  
18 trial day. Perhaps, counsel for the United States, you can  
19 elucidate your comments for defense counsel so that they can  
20 make appropriate strategic decisions based on your insight.

21 Counsel, I'm going to end the trial day now. I would  
22 like to ask counsel for the United States how much longer you  
23 anticipate for Mr. Rechnitz's direct testimony tomorrow.

24 MR. BELL: Again we make assumptions about objections  
25 and the like. I think it will be a couple more hours. It will

IBQTGRA7

1 end tomorrow. It should end tomorrow morning.

2 THE COURT: Good.

3 MR. BELL: But I expect that it will probably be a  
4 couple of hours or so.

5 There is one more matter that I want to put on the  
6 record.

7 THE COURT: That's fine.

8 MR. BELL: Thank you, your Honor.

9 I went back at Mr. Daniels' invitation to speak to the  
10 witness who had been troubled by something. It actually  
11 confirmed something that I noticed while examining him.  
12 There's at least one individual, who Mr. Rechnitz knows and who  
13 I would be happy to name, to the extent that it helps, in the  
14 gallery who has been particularly aggressive in, well,  
15 interacting with the witness as he testifies, which on its own  
16 seems wholly appropriate.

17 THE COURT: I'm sorry, inappropriate?

18 MR. BELL: Wholly inappropriate, yes. It was an  
19 important syllable.

20 Mouthing the word "liar" in response to question after  
21 question, responding audibly with sort of like grunts and  
22 noises in response to those things.

23 I would ask that -- and this has happened before when  
24 Mr. Rechnitz has testified in prior proceedings involving I  
25 think members in the community with lot of people who care

IBQTGRA7

1 about him. This is an open courtroom. We cherish that. It's  
2 something very crucial under our system of justice and under  
3 the Constitution. At the same time, intimidation of that or  
4 any sort is wholly inappropriate.

5 At a minimum, I would ask that the Court admonish the  
6 jury not to react audibly, not to -- sorry, the gallery,  
7 rather, not the jury, the jury has been great -- members of the  
8 gallery not to send any sort of a message to the witness,  
9 either through mouthing things, either to reacting in audible  
10 ways to portions of his testimony. I have heard what appears  
11 to be heckling, and that shouldn't be so. And this is, I  
12 think, the most sensitive part of the trial when it comes to  
13 those issues.

14 I have a particular appreciation of precisely what it  
15 has taken for Mr. Rechnitz to come to the point where he can  
16 cooperate. As he testified to, he needed rabbinical permission  
17 in order to come and testify, and the blowback that he's gotten  
18 from the community is real and has taken a number of forms.

19 To compound those issues, along with the general  
20 stress of being a cooperating witness facing quite a lot of  
21 potential prison time, with that sort of wholly inappropriate  
22 interaction is just something that shouldn't stand, and we ask  
23 that your Honor admonish the gallery. And also to the extent  
24 that your Honor can from that particular point, keep watch.

25 I will note that the individual has apparently been

IBQTGRA7

1 seated behind the Reichberg family for much of the proceedings  
2 today and much of the proceedings on Tuesday where he, I think,  
3 could relatively easily be seen. But it has to stop, your  
4 Honor.

5 THE COURT: Thank you.

6 MS. NECHELES: Your Honor, I haven't heard anything.  
7 I have cautioned everybody to be careful because I have  
8 noticed in the 3500 material that Mr. Rechnitz complained every  
9 week that someone had said something about him, someone looked  
10 at him the wrong way. This is a man who has been very liberal  
11 in complaining about other people; somebody posted something  
12 online, he got a phone call, somebody said something to  
13 somebody else at a wedding. This is a man who yesterday --  
14 last week sent things directly accusing a person here of well,  
15 look, I found online that he's part of a group that -- so I  
16 have not heard anybody. I have told everybody be really  
17 careful because this guy is dangerous. He will get you in  
18 trouble. He accuses everybody of wrongdoing all the time. I  
19 think that people understand that.

20 And I will say something else. This is not  
21 Mr. Rechnitz's community. So to the extent that the government  
22 stands up there and says he's worried because he may have  
23 people in this community who disapprove of him, I don't believe  
24 he cares about this community. It's not his community. And  
25 it's a community that is often disdained by other Jews, that



IBQTGRA7

1 Jews like Mr. Rechnitz often think poorly of this community.

2 So it's not just because he's a Jew he supports this  
3 community, it's actually a community that has lots of hatred  
4 from other Jews. So I don't know what he thinks he's seeing.  
5 I know it is stressful to have to testify like this. It is a  
6 difficult thing, I'm not taking that away, but I certainly have  
7 not heard anything. And I'm sure your Honor will admonish the  
8 gallery that they should not say anything, not make any faces.  
9 I ask that Mr. Bell do the same, that he not make faces, and  
10 that we all will move forward in that way.

11 THE COURT: Fine. Let me take a few of those comments  
12 in turn.

13 First, I have not heard what I will describe as a  
14 commotion during the course of the witness's testimony. I did  
15 not perceive what Mr. Rechnitz perceived, but nor am I looking  
16 at the gallery constantly. I will look more. And I'm going to  
17 ask Mr. Daniels and the security officers to police the conduct  
18 of the members of the gallery more carefully.

19 Inappropriate displays here in the courtroom are not  
20 acceptable. Simply put, this is a place of decorum. It's not  
21 an opportunity to intimidate witnesses, it is not a place to  
22 disrespect the proceedings as a whole. Counsel for each of the  
23 defendants can advise members of the gallery whether they  
24 believe that such conduct is appreciated and viewed positively  
25 by the jury, who also have the opportunity to observe the

IBQTGRA7

1 gallery. It may be that such an appropriate and rude conduct  
2 will be viewed poorly by all who perceive it. So I fully  
3 expect that going forward there will be no improper conduct.  
4 If there is, I will not hesitate to ask for a person who  
5 engages in it to be removed from the courtroom.

6 So I hope that this is not a concern in the future.  
7 As I said, I did not observe this particular conduct and I do  
8 not know to what extent Mr. Rechnitz is particularly sensitive  
9 to these issues, but as a general matter, the prospect of  
10 intimidation of a witness by a member of the gallery is  
11 extremely troubling to the Court, as I expect it would be for  
12 any member of our public.

13 So thank you for raising that issue, counsel. I'm not  
14 going to ask you to identify the person to me, but please do  
15 identify the person to Mr. Daniels, and I will ask that  
16 Mr. Daniels keep a closer eye for certain misconduct by that  
17 person going forward, and will also bring it to the attention  
18 of court security officers who are generally present here in  
19 the court during the court day.

20 So I look forward to seeing you tomorrow.

21 Counsel for the United States, thank you for what you  
22 have anticipated for the testimony tomorrow. Anything else  
23 that we should discuss before we take our recess, counsel for  
24 the United States?

25 MR. BELL: No, your Honor, only to note with respect

IBQTGRA7

1 to the issue raised by whether chaplaincies are official acts,  
2 the Second Circuit has spoken on something relatively similar  
3 or somewhat similar in the course of its *Sheldon Silver* ruling,  
4 which was I think was the Circuit's first real post-*McDonald*  
5 treatment of the official acts issue.

6 Among the things that the Circuit blessed for  
7 treatment on the retrial -- which, of course, has now  
8 happened -- was Silver's making a commendation happen for the  
9 doctor involved, Dr. Taub -- or proclamation, commendation,  
10 whatever they're called, the little thing that they hold up in  
11 the Wizard of Oz when the witch is dead, I don't know what  
12 they're called precisely. But the analysis behind that  
13 particular item, your Honor, may be particularly helpful in  
14 engaging the chaplaincy issue in the context that your Honor  
15 mentioned.

16 THE COURT: Thank you, I will review that.

17 Anything else, counsel for Mr. Reichberg?

18 MS. NECHELES: No.

19 THE COURT: Counsel for Mr. Grant?

20 MR. MERINGOLO: No, Judge.

21 THE COURT: Thank you. I will see you tomorrow  
22 morning.

23 (Adjourned to November 27, 2018, at 9:00 a.m.)  
24  
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## INDEX OF EXAMINATION

Examination of:	Page
JONA RECHNITZ	
Direct By Mr. Bell . . . . .	.2492

## GOVERNMENT EXHIBITS

Exhibit No.	Received
606 and 629 . . . . .	.2496
8 and 8A . . . . .	.2509
613 . . . . .	.2510
1016 . . . . .	.2511
1017 . . . . .	.2514
1018 . . . . .	.2515
1019 . . . . .	.2518
2023 . . . . .	.2522
10 and 10-A . . . . .	.2526
5 and 5-A . . . . .	.2527
1022 . . . . .	.2542
308-F . . . . .	.2544
1202 . . . . .	.2553
1207 . . . . .	.2557
1229 . . . . .	.2560
1047 . . . . .	.2574
617 and 618 . . . . .	.2579
614 . . . . .	.2594
608 . . . . .	.2595

1	615 . . . . .	.2596
2	1080 . . . . .	.2596
3	1051 . . . . .	.2607
4	1029 . . . . .	.2609
5	612 . . . . .	.2614
6	1072 . . . . .	.2618
7	1057 . . . . .	.2620
8	1084 . . . . .	.2621
9	601 through 605 . . . . .	.2623
10	611 . . . . .	.2650
11	1021 . . . . .	.2652
12	306 . . . . .	.2655
13	625 through 628 . . . . .	.2660
14	1256 . . . . .	.2665
15	1066 . . . . .	.2667
16	1033, 1101, and 1102 . . . . .	.2672
17	1048 and 1065 . . . . .	.2678
18	1063 and 1090 . . . . .	.2681
19	1092 . . . . .	.2683
20	1106 . . . . .	.2684
21	W-04026 . . . . .	.2685

22

23

24

25